

POLICY ON REFUGEE CHILDREN

VESELINA ILIEVA

PHD STUDENT AT
"KONSTANTIN PRES LAVSKY" – UNIVERSITY OF SHUMEN
PUBLISHER AND MANAGER OF [SOCIOBRAINS](#),
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BULGARIA

VESILIEVAA@GMAIL.COM

ABSTRACT: APPROXIMATELY HALF OF THE WORLD'S REFUGEES ARE CHILDREN. ACTION BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) TO PROTECT AND CARE FOR THESE CHILDREN IS CENTRAL TO THE FULFILMENT OF ITS MANDATE. THIS PAPER PRESENTS THE POLICY FRAMEWORK THAT UNHCR WILL USE TO GUIDE ITS ACTION ON BEHALF OF REFUGEE CHILDREN.

KEY WORDS: UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, REFUGEES POLICY, REFUGEE GROUPS, PROTECTION, CHILDREN

ALTHOUGH the policy implies, first and foremost, the duty of UNHCR staff to act, it is hoped that it will also guide the endeavours of others concerned with refugee children, such as Governments, other United Nations bodies, international and national non-governmental organizations (NGOs), as well as refugee groups. This is a key manner in which the policy is intended to promote appropriate, collaborative action among all parties to ensure the protection and care of refugee children.

IN keeping with the Convention on the Rights of the Child, UNHCR considers a child to be a person *below the age of 18 years, unless, under the law applicable to the child, majority is attained earlier*. Nonetheless, where an assessment of the actual needs of refugees above the age of majority under applicable national law, but below 18 years of age, reveals the necessity to implement measures normally applied to refugee children, the present policy will apply. Unless otherwise specified, the term "refugee child" when used in this policy may be understood to mean any child of concern to the High Commissioner, including those children who are refugees, returnees, asylum-seekers and displaced persons of concern to UNHCR.

PROTECTION and assistance activities are intrinsically linked. In essence, all UNHCR action has a protection component or implication, whether it consists of determining the status of refugees, meeting their immediate needs, or assisting them to pursue durable solutions. Needs assessment, as well as the planning and provision of assistance, can result in discrimination against one or more segments of the beneficiary population, especially the more vulnerable ones, if not sensitively undertaken. Thereby, they often influence or even determine the personal security situation of refugees.

THE following three sections provide information essential to understanding the Policy on Refugee Children. Section II explains the background surrounding the formulation of the policy and Section III describes the specific needs of refugee children which must be addressed through this policy.

SECTION IV sets out the legal basis for UNHCR's particular attention to the needs of refugee children and describes the policy commitment which flows from it. Section V presents the policy itself, including UNHCR's goals the principles which guide the pursuit of these goals by UNHCR staff, and the specific objectives that the Office has set for its staff in order to ensure the protection and care of refugee children.

MUCH of what follows will ring familiar to those concerned with children's rights generally or with UNHCR's work with refugee children and may, therefore, appear obvious. Although many of the components of this policy can be found in UNHCR's Guidelines on Refugee Children, or derive from the United Nations Convention on the Rights of the Child, their assimilation into the global policy of the Office reflects a new level of priority that the High Commissioner has come to assign to meeting the specific protection and assistance needs of refugee children.

THIS policy is, at the same time, the logical next step in UNHCR's activities on behalf of refugee children. Over the years, the Executive Committee of the High Commissioner's Programme (Executive Committee) has adopted a number of Conclusions and Decisions concerning refugee children. In 1988, the UNHCR Guidelines for Refugee Children (Guidelines) were issued, incorporating international norms relevant to the protection and care of refugee children, key elements of related Executive Committee Conclusions, and technical guidance from UNHCR's Working Group on Refugee Children. Numerous NGOs and several United Nations specialized agencies participated in their preparation.

IN light of five years of experience using the Guidelines, and developments since they were issued, the preparation of a comprehensive policy for UNHCR's work with refugee children is deemed especially timely. Adopted in 1989, the United Nations Convention on the Rights of the Child codified standards for the rights of all children, including those who are refugees. In recent years, the Office has been called upon to play new roles in unprecedented emergency situations where children have been particularly at risk. Furthermore, reflecting a more concerted effort to ensure their well-being, UNHCR has established the position of a Senior Coordinator for Refugee Children.

CHILDREN, including refugee children, are the future. They need special protection and care to realize their potential.

THREE interrelated factors contribute to the special needs of refugee children: their dependence, their vulnerability and their developmental needs (i.e. their requirements for healthy growth and development at different ages). Children, particularly in their early years, are dependent upon their parents or other adults to provide the basic necessities for their survival. Moreover, they are recognized in national and international law as being legally dependent on their parents or guardians for appropriate guidance and direction.

CHILDREN'S vulnerability results in part from this dependence. They are physically and psychologically less able than adults to provide for their own needs or to protect themselves from harm. Consequently, they must rely on the care and protection of adults. They are psychologically at great risk from the trauma inherent in situations which cause uprooting, and from the uprooting itself. Younger children are physically less able than adults and adolescents to survive illness, malnutrition or deprivation of basic necessities. When resources are scarce, they are the first to die.

REFUGEE girls are often even more vulnerable than refugee boys. In some cultural and social contexts, girls are less valued than boys and, consequently, are more often subject to

neglect and abuse. Their participation in education programmes is often prematurely curtailed. They are subject to sexual abuse, assault and exploitation in greater numbers than are boys.

VULNERABLE in normal circumstances, in numerous situations currently confronting UNHCR, children's lives, health and safety are at extreme risk. Living conditions, particularly in the emergency stage, are often precarious. In some situations, the survival of children must be assured in the midst of armed conflict. Not only are children frequently the unintended casualties of war, they are sometimes a direct target. In many situations, military and armed groups recruit children. Extraordinary efforts are required to protect them in situations of armed conflict.

AMONG refugee children, the most vulnerable are those who are not accompanied by an adult recognized by law as being responsible for their care. In the absence of special efforts to monitor and protect their well being, the basic needs of unaccompanied refugee children often go unmet and their rights are frequently violated. Indeed, the presence of unaccompanied children and the need for special actions on their behalf must be anticipated in every refugee situation.

CHILDREN'S developmental needs are a fundamental reality often not considered in relief efforts. In order to grow and develop normally, a child has certain age-specific requirements which must be satisfied. Basic health care, nutrition and education are generally recognized as necessary for the physical and intellectual development of children. Beyond these, however, healthy psychosocial development depends in large measure on the nurturing and stimulation that children receive as they grow, and on the opportunities that they have to learn and master new skills. For refugee children, healthy psychosocial development also requires coping effectively with the multiple traumas of loss, uprooting and often more damaging experiences. In short, tragic long-term consequences may result where children's developmental needs are not adequately met.

THE grounds for special action on behalf of refugee children are well-established in both national and international law. Refugee children share certain universal rights with all other people, have additional rights as children and particular rights as refugees. Because of their dependence, vulnerability and developmental needs, children are accorded specific civil, economic, social and cultural rights in national and international law. Refugee children are also entitled to the international protection and assistance of UNHCR.

THE Convention on the Rights of the Child provides a comprehensive framework for the responsibilities of its States Parties to all children within their borders, including those who are of concern to UNHCR. Moreover, as a United Nations convention, it constitutes a normative frame of reference for UNHCR's action. The policy which follows, therefore, is consistent with the Convention on the Rights of the Child. It also provides parameters for action which supplement those contained in this Convention and which aim to ensure appropriate protection and assistance of children of concern to the High Commissioner.

A principle of international law fundamental to this policy is the primary responsibility of parents or legal guardians to care for children. Moreover, States are responsible for protecting the human rights of all persons within their territory, including refugee children, and for providing the adults accountable for these children with the support necessary to fulfil their own responsibilities.

UNHCR'S effective management of refugee protection and assistance requires that the actions of its staff be tailored to the different needs and potentials of refugee children, women,

men, disabled persons, the elderly and other groups with distinct requirements. Their needs are not well served when, particularly in emergencies, refugees are treated as an undifferentiated mass of humanity.

CHILDREN share with adult refugees needs for protection and assistance. Children, however, have needs and rights additional to those of adults. Care must be taken to ensure that these special needs and rights are perceived, understood and attended to by those who seek to protect and assist refugees generally. Until this becomes a matter of course for all actors working with refugees, specific directives regarding refugee children are required.

CHILDREN'S needs, however, must not be addressed in isolation. They are normally met most effectively within the context of family and community. Moreover, a child's welfare is closely linked to the health and security of the primary care-giver, who is usually the mother. Consequently, UNHCR staff need to strengthen the capacities of refugee families to meet their own needs and improve the participation and situation of refugee women, thereby contributing significantly to the welfare of their children. Staff members must ensure effective implementation of the High Commissioner's Policy on Refugee Women and UNHCR's Guidelines on the Protection of Refugee Women in order to improve the situation of refugee children. As the High Commissioner's policies on children and on women are complementary, their implementation needs to be coordinated. Moreover, the components of the policy on refugee children must be integrated within an overall programme of protection and assistance for refugees generally.

UNHCR staff need to redouble their efforts to integrate children themselves into the protection and programming processes. Although vulnerable, children are also a resource with much to offer. The potential contributions of children must not be overlooked. They are people in their own right, with suggestions, opinions and abilities to participate in decisions and activities that affect their lives. Efforts on behalf of refugee children fall short if they are perceived only as individuals to be fed, immunized or sheltered, rather than treated as participating members of their community.

UNHCR'S primary goals with regard to refugee children are as follows:

- To ensure the protection and healthy development of refugee children.
- To achieve durable solutions which are appropriate to the immediate and long-term developmental needs of refugee children.

GUIDING principles. The following are the central principles which will guide the pursuit of these goals by UNHCR staff:

- In all actions taken concerning refugee children, the human rights of the child, in particular his or her best interests, are to be given primary consideration.
- Preserving and restoring family unity are of fundamental concern.
- Actions to benefit refugee children should be directed primarily at enabling their primary care givers to fulfil their principal responsibility to meet their children's needs.
- Where the special needs of refugee children can only be met effectively through child-focused activities, these should be carried out with the full participation of their families and communities.
- Refugee girls and boys must be assured protection and assistance on a basis of equality.
- Unaccompanied refugee children must be the particular focus of protection and care.
- UNHCR staff are required to make their best efforts both to prevent risk to refugee children and to take additional action to ensure the survival and safety of refugee children at particular risk.

ON the basis of these principles, UNHCR staff should endeavour to ensure that the protection of children's rights as recognized under national and international law, including their rights to personal security and special assistance, are adequately and consistently addressed in the Office's protection and assistance activities. To this effect, UNHCR staff will pursue the following specific objectives:

- the protection of refugee children at risk from detention, armed conflict, military recruitment, sexual assault or abuse, prostitution, torture, hazardous working conditions or any other form of violence, abuse or neglect;
- the diligent enforcement of national laws regarding all forms of violence and abuse against refugee children, in accordance with the relevant international legal obligations of the States concerned;
- the consistent incorporation, from the beginning of a refugee situation, of protection and assistance criteria for assessing, monitoring and addressing the needs and vulnerabilities of refugee children;
- the compilation and updating of a statistical profile on each refugee population of concern to the High Commissioner, including age/gender disaggregation and identification of unaccompanied minors, for use in planning protection and assistance measures;
- the identification, and provision for the special protection and care, of unaccompanied children in every refugee situation, as well as their reunification with their families;
- the training of UNHCR and implementing partner staff to understand and address appropriately within their areas of competence the particular needs of refugee children in ways consistent with this policy and the UNHCR Guidelines on Refugee Children;
- the training of police and military forces, other Government employees involved with refugee protection and assistance, adults and leaders regarding the specific human rights most relevant to the well-being of refugee children;
- the sensitization of refugee children themselves to their specific rights;
- the promotion of awareness of, and response to, the particular needs of refugee children through information strategies directed at the Governments of both countries of asylum and countries of origin, donors, NGOs, other United Nations bodies and the public at large;
- the promotion and facilitation by UNHCR of the cooperation of technically competent governmental and non-governmental organizations and other United Nations bodies in providing for the protection and care of refugee children.

NO set of goals or objectives is definitive. A continual process of review and upgrading is necessary to ensure that UNHCR's protection- and programme-related actions remain relevant and practical. Such a process requires an ongoing exchange of information and experience amongst all those concerned with the rights and welfare of refugee children.

IN this way, and many others, the success of this policy requires the cooperation of a variety of actors. The Guidelines on Refugee Children is currently being up dated and its format revised. It will set out and elaborate on action-based measures which give concrete meaning to the policy set out above, all of which pursue the effective management of activities which are key to the protection and care of refugee children.

CHILDREN will always need special protection and care; but the High Commissioner does not call for addressing the needs of children separately from those of other refugees. Indeed, UNHCR's policy has been formulated with the hope that future efforts on behalf of

children will have become so well integrated into all aspects of protection and programme planning and implementation that a separate policy for children will cease to be necessary. The training for People-Oriented Planning that UNHCR has initiated is an important step towards such integration.

COMMITMENT to and due regard for the components of a policy aimed at protecting the best interests of children are prerequisites for ensuring certain elements of their well-being. Much of what remains to be done for refugee children, therefore, can be accomplished with the resources normally provided by host governments and the international community. Additional resources may, however, be required to implement fully UNHCR's policy. Providing for the adequate and balanced nutrition of refugee children and ensuring respect for their right to primary education, for example, will require more financial resources than have generally been provided to date. Therefore, while UNHCR will seek, where necessary, to supplement Government resources and to secure the participation and support of other entities in pursuit of the goals and objectives outlined in the policy, the High Commissioner will also look to the continued support of the members of the international community who have given her the mandate to protect and assist these children.

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