Global Programme Framework on Children on the Move

unicef

for every child

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ACRONYMS

ATDs	Alternatives to Detention
BID	Best Interest Determination
C4D	Communication for Development
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child
CRVS	Civic Registration and Vital Statistics Systems
EU	European Union
FTR	Family Tracing and Reunification
GBV	Gender-based violence
GMG	Global Migration Group
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IASC	Inter-Agency Standing Committee
IAWG	Inter-Agency Working Group
ICAT	Inter-Agency Coordination Group against Trafficking in Persons
ICRC	International Committee of the Red Cross
IDC	International Detention Coalition
IDP	Internally displaced person
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IOM	International Organization for Migration
KAP	Knowledge, attitudes and practices
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PICUM	Platform for International Cooperation on Undocumented Migrants
SGDs	Sustainable Development Goals
SitAn	Situation Analysis
UASC	Unaccompanied and Separated Children
UCR	Uniform Crime Reporting
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNRWA	United Nations Relief and Works Agency for Palestine Refugees
WASH	Water, Sanitation and Hygiene
WGAD	Working Group on Arbitrary Detention

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BACKGROUND

Migration in search of better opportunities, whether individually or as part of large mixed migration flows, has been a part of the human experience since the beginning of our history. Migration has a largely positive impact on children, their families, as well as host and sending communities. But forced displacement has hugely detrimental impacts on people, particularly children.[1]

The more recent and increased flow of people leaving their communities of origin due to conflict, violence or poverty has made migration and displacement an urgent and increasingly polarizing global priority reflected in four targets of the Sustainable Development Goals (SDGs).[2] Recent statistics published in UNICEF's flagship *Uprooted* report[3] reveal that there was a 75 per cent increase in the number of child refugees between 2010 and 2015: 31 million children (1 in every 70 children) live outside their country of birth; 28 million children have been forcibly displaced; every one in 200 children across the world is a refugee. Despite the media's focus on the flows from Syria and Libya to the European Union (EU), 60 per cent of international child migrants live in Africa or Asia. Moreover, nearly four times as many people move within their own country than across borders.[4] In China alone, 100 million children are directly affected by internal migration.[5]

Heads of State and Governments gathered to address the urgent issues raised by large movements of refugees and migrants in two high-level Summits in September 2016 in New York: The UNGA High Level Plenary Meeting on Large Scale Movements of Refugees and Migrants and the US Leaders' Summit on the Global Refugee Crisis. During the UNGA Summit, Member States committed to working towards the adoption of a global compact on refugees and a global compact for safe, regular and orderly migration in 2018.

UNICEF provided significant inputs to the outcome document of the UNGA Summit, the 'New York Declaration for Refugees and Migrants', and developed six policy asks to advocate for placing the best interests of children at the centre of the two 2018 Compacts.[6] UNICEF's six policy asks on migration and displacement are the following:

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1. United Nations Development Programme, Human Development Report 2009: Overcoming barriers – Human mobility and development, UNDP, New York, 2009. Migrants who move from countries with a low Human Development Index (HDI) value to a country with a higher HDI value experience, on average, a doubling in education enrolment rates and a 16-fold reduction in child mortality.
2. These SDGs are 10.7 Well Managed Migration, 8.7 Trafficking and Modern Slavery, 8.8 Migrant Workers Rights, 5.2 Trafficking of Women and Girls.
3. UNICEF, 2016, Uprooted – The Growing Crisis For Refugee and Migrant Children, New York.
4. As of the latest estimate available in 2005. See Bell, Martin and Elin Charles-Edwards, 'Cross-national Comparisons of Internal Migration: An update on global patterns and trends', Technical Paper, Population Division, United Nations Department of Economic and Social Affairs, New York, January 2013, cited in Uprooted (UNICEF), p.36.
5. UNICEF, National Working Committee on Children and Women, 2014, 'Children in China: An atlas of social indicators 2014', available at http://www.unicef.cn/en/atlas.
6. New York Declaration for Refugees and Migrants, available at http://refugeesmigrants.un.org/declaration.

1. Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence;
2. End the detention of children seeking refugee status or migrating;
3. Keep families together as the best way to protect children and give children legal status;
4. All refugee and migrant children keep learning and have access to health and other quality services;
5. Press for action on the underlying causes of large scale movements of refugees and migrants;
6. Promote measures to combat xenophobia, discrimination and marginalization in countries and areas of transit and destination

The six UNICEF policy asks emerged from a broad-based in-house consensus. While they signal the overarching direction of UNICEF's engagement on issues of migration, they may be adapted or prioritized according to the context.

The Global Programme Framework provides normative guidance for each of these asks, which is discussed in detail below.

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STRATEGIC AIM AND SCOPE

The Global Programme Framework builds on existing UNICEF programming on migration, and adjusts it to cover identified gaps, increase coherence and establish priorities and guiding principles in support of country and regional offices and National Committees, as well as to give guidance to UNICEF's work on global migration.[7] Specifically, the Framework provides:

- Overall guidance on the relevant normative framework for each of the core policy asks;
- A Theory of Change for each policy ask, including key programme interventions to practically implement the policy asks;
- Recommendations on monitoring and measuring the proposed interventions.

This Global Programme Framework for Children on the Move addresses the situation of all boys and girls affected by migration and displacement, namely:[8]

- Children who are migrating within their own country or across borders;
- Children migrating on their own or with their caretakers;
- Children forcibly displaced within their own country and across borders;
- Children moving in a documented or undocumented manner, including those whose movement involves smuggling or trafficking networks.

Unless otherwise specified, 'children on the move' as used in this framework encompasses all the above categories of children.

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7. While the Framework is applicable to all countries, whether with a UNICEF Country Office or a National Committee, interventions will need to be adapted to their respective mandates.
8. Definitions used are those agreed upon by the inter-agency Global Migration Group as stated in the 'Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements', (forthcoming), see Annex 1.

PROGRAMMING PRINCIPLES

Programming for children on the move should follow UNICEF's overall programming principles and procedures. However, in order to address the specific situation of these children, the following programming principles are highlighted.

BUILDING ON EXISTING STANDARDS:

The Framework builds upon existing relevant international human rights and humanitarian legal frameworks and norms.[9] Among others, the right of children and their families to seek protection and better life opportunities through migration is widely recognized in those frameworks. UNICEF's programmes should aim to assist duty bearers to respect, protect and promote those rights, while ensuring that people are provided with accurate and relevant information to be able to make informed choices about how, when and through which channels to migrate. At the same time, UNICEF's regular development and relief programming seeks to improve the conditions in communities of origin, to increase the range of viable life opportunities available to families and children so that migration is one choice amongst many, and not the only choice a family can see to improve their lives. As such, UNICEF seeks neither to encourage nor prevent migration in and of itself, but to understand it as an ongoing phenomenon and improve the protection and well-being of children and families that do migrate.

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9. See Annex 3.

EQUITY-FOCUSED PROGRAMMING, WITH A SPECIFIC EMPHASIS ON GENDER EQUALITY:

UNICEF's interventions address the rights of all children, regardless of their migration status. At the same time, for the universal fulfilment of rights, some approaches or services will need to be adapted to the specific needs of migrating and refugee children, and to their special protection status when relevant. The differential needs of boy and girl migrants and refugees will be taken into account in the analysis, planning and implementation of the suggested programmatic interventions. In addition, age-sensitive approaches will be applied with particular consideration for adolescents. The specific vulnerabilities of child migrants and refugees living with disabilities also need to be considered.

CONTINUUM OF SUPPORT AND PROTECTION ACROSS THE MIGRATORY JOURNEY:

UNICEF seeks to support and protect child migrants and refugees across their entire journey – whether international borders are crossed or not – until a durable solution has been achieved. This includes areas of origin, transit, destination, as well as return. In order to sustain the continuum of support and protection, and given the complexity of migration scenarios, comprehensive approaches are required that cut across different contexts, borders, and various functional sectors.

INCLUSIVE OF ALL CHILD MIGRANTS AND REFUGEES:

The UNICEF focus includes all child migrants and refugees, whether they have crossed international borders or not, and whether they are forcibly displaced or in search of better opportunities. This includes internal migrants, as well as internally displaced persons (IDP), asylum seekers and refugees. Due to the close connection between migration and statelessness (see Policy Ask 3), the needs of stateless children are also included in this programmatic framework. Many children move in and out of categories, and very often definitional distinctions do not reflect the complex realities experienced by boys and girls. This calls for a flexible programmatic approach that can be adapted as needed.

CUTTING ACROSS HUMANITARIAN AND DEVELOPMENT CONTEXTS:

Children migrate in a variety of contexts, those affected by emergencies or not. UNICEF's programmatic framework on migration hence cuts across the humanitarian and development spheres in a wide range of circumstances. A systematic analysis of the context and the existing bottlenecks affecting children's access to protection and services will ultimately determine the most appropriate interventions.

INCLUSIVE OF THE PARTICIPATION OF CHILDREN:

The views and contribution of children, particularly adolescents, including those who are in transit and those in their host communities, need to be taken into account in programme design, implementation and evaluation.

INTEGRATION WITH ONGOING PROGRAMME ACTIVITIES:

As UNICEF's cooperation programmes are aimed to address the rights and needs of all children in a given territory or country and not just children of a country, migration-related work should be integrated in and build upon ongoing cooperation activities and partnerships, while attending to specific needs of children in transit as appropriate.

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Continuum of UNICEF Response to Migrant and Refugee Children

1. Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence;
2. End the detention of children seeking refugee status or migrating;
3. Keep families together as the best way to protect children and give children legal status;
4. All refugee and migrant children keep learning and have access to health and other quality services;
5. Press for action on the underlying causes of large scale movements of refugees and migrants
6. Promote measures to combat xenophobia, discrimination and marginalization in countries and areas of transit and destination.

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FROM POLICY ASKS TO PROGRAMME RESPONSES

Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence[10]

FRAMING THE ISSUE

Displacement increases the vulnerability of children and their families to discrimination, abuse, violence and exploitation. It also undermines psychological and social support mechanisms across a wide range of settings, in contexts of origin, transit, destination as well as return. However, while those forcibly displaced are at a particularly high risk of exploitation and violence, children migrating within their own country or across borders often face similar vulnerabilities. Increasingly, existing categories do not capture the reality of these children anymore, with children moving in mixed migration flows and facing the same protection issues. This also includes violence in immigration detention, or violence and extortion by police, immigration and other authorities.

Reliable global data about the extent of violence against refugee and other migrant children are not available, but individual assessments and studies make it clear that the problem is pervasive.[11] There were 40,177 reported victims of trafficking according to UNODC 2014 data (an estimated 33 per cent of whom are children). However, the issue is much broader than the dangers of trafficking and include the perils of the journey: IOM's Missing Migrants Project recorded more than 15,000 dead and missing migrants from 2014 through July 2016.[12] About one third of the deaths in the Aegean Sea crossing in 2015 were estimated to be children.[13] The Mediterranean route has captured the most global attention, partly because data is available for this crossing. Yet, migrants have lost their lives moving through every region of the world and other routes are often even more lethal.

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10. While all child refugees and migrants face vulnerabilities whether accompanied by their caregivers or not, the New York Declaration includes explicit reference to the additional vulnerabilities faced by unaccompanied and separated children (UASC) which warrant specific legal considerations.
11. See, for example, Sexual and Gender-Based Violence Sub-Working Group, March 2014, 'Sexual and Gender-Based Violence: Syrian Refugees in Jordan', p. 1, in Uprooted, UNICEF 2015.
12. International Organization for Migration, 'Missing Migrants Project – Latest Global Figures', accessed 3 August 2016.
13. International Organization for Migration, United Nation Children's Fund, 'IOM and UNICEF Data Brief: Migration of children to Europe', 30 November 2015.

APPLYING THE THEORY OF CHANGE[14]

a. Issues and bottlenecks

Children are susceptible to particular risks when they are moving with their families. These risks increase when they are unaccompanied or separated. Although the particular risks may vary, the vulnerability continues throughout the migration pathway and across a wide range of settings (in countries of origin, transit, destination as well as return).

Children and their families seek to escape from armed conflict, violence, poverty or a lack of opportunities.[15] Faced with limited legal and safe options to migrate or seek asylum, they frequently rely on smuggling networks to make their way. The lack of legal and safe options places disproportionate power into the hands of smugglers and traffickers. For some boys and girls, their smuggler turns out to be a trafficker and they end up in sexual or labour exploitation. Where legal and safe options exist, children on the move often do not have access to child-friendly information in a language they understand, and these options are too few or linked to inefficient, intricate and long bureaucratic processes. When moving, children also risk abuse and exploitation at the hands of border, immigration and other authorities. Often, these authorities are not aware of the rights of children or are not held responsible for their actions.

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A functioning child protection system can prevent and address some of the abuses under which migrating or displaced children suffer. They are designed to prevent abuse within families and communities, and can provide life-saving assistance to boy and girl survivors, hence decreasing their risk of re-victimization. Services for migrant and refugee children may not be prioritized or may be underfunded. Specifically, a lack of investment in alternative care and guardian pools heightens the risk of separated and unaccompanied children ending up being abused and exploited.

While in transit and at their destination, children and families face a lack of information and legal assistance to assess their options: asylum-seeking children report that they find the processes “adversarial and manipulated against them.”[16] Hence, children distrust the system and sometimes do not seek support and protection. There is an increasing tendency for migration control priorities to supersede the best interests of the child. Children thus risk being returned to situations of exploitation and abuse due to a lack of the principle of Best Interests guiding decisions of return or other durable solutions. Children who have been returned may attempt the same journey again, multiplying the risk of harm.

14. Assumptions and risks will be context specific and country specific. Therefore, the present Theory of Change will not look into the identification and analysis of assumptions nor will it identify and plan for potential risks.
15. See Policy Ask 4 on how UNICEF’s regular development and humanitarian programming seeks to improve the conditions of children and their families in communities of origin.
16. UNHCR, 2016, ‘High Commissioner’s Dialogue on Protection Challenges – Children on the Move’, p.9.

b. Key interventions

As an overall protection strategy, advocate for more safe and legal channels to migrate and to seek refuge: Engage in national, regional and international forums to advocate for diversified migration channels for all children; family reunification as a safe and legal pathway; and increased options for resettlement and durable solutions for IDPs and refugees.

In communities of origin, provide safe migration and asylum information through trusted, official and community-based channels: Map the gaps in the availability of safe migration information, including for internal migrants. Identify trusted sources of information; leverage community networks to disseminate child-friendly safe migration information.

Provide technical support to strengthen child-friendly law enforcement across all stages of the migration journey: Document legal and procedural gaps and review job descriptions. Engage with authorities to address these gaps and provide technical support for establishing child-friendly law enforcement, including child-friendly border control procedures.

Along the journey, establish mechanisms for the displaced to ensure protection and safeguarding: Support authorities in meeting reception and care standards to prevent exploitation and violence, including minimum standards in reception centres, and child safeguarding policies. Work with migration and child protection authorities to support an equal provision of care for children regardless of their or their parent's migratory status. Where state services are unwilling or unable to respond, provide case and information management for migrant and refugee children with specific protection needs, such as survivors of gender-based violence or children living with disabilities. Map existing service providers, common routes and gaps; address gaps by integrating UNICEF services into existing services; consider a mobile and flexible approach where needed.

In transit and destination, provide technical assistance to government service providers on child protection case management, as well as the identification, and alternative care, for Unaccompanied and Separated Children (UASC): Map child protection systems to measure accessibility and gaps for children who are citizens and non-citizens. Integrate the specific needs of migrant and refugee children in the social service worker's curriculum. Map gaps in care for UASC and establish alternative care systems; appoint, train and monitor qualified guardians for UASC.

In transit and destination, support counselling and legal assistance services for immigration and asylum-seeking proceedings: Map gaps in legal information and legal assistance and propose solutions to address them. Support providers of information and legal counselling services, such as NGOs, pro-bono legal firms and others.

Provide technical assistance for due process in all immigration and asylum-seeking proceedings, in accordance with the best interests of the child: Provide technical support on Best Interest Determination (BID)[17] and child-friendly processing of asylum claims to ensure that age assessments are carried out in a scientific, safe, child-sensitive and gender-sensitive manner. Include technical assistance for delinking decisions on asylum and migration status from decisions on care, protection and BID. Advocate for the systematic involvement of child protection authorities in immigration proceedings, and provide technical assistance to ensure that return is based upon a reintegration plan that involves child protection as well as migration authorities.

17. See 'Status of the Convention on the Rights of the Child, Report of the Secretary General', A/71/413, 27 September 2016: "The CRC Committee has recommended that States set up a best interest determination procedure to consider and determine what constitutes the best interests of the child on an individual and case-by-case basis. This includes a clear and comprehensive assessment of the child's circumstances and should take into account the child's views."

CHILD REFUGEES AND MIGRANTS, PARTICULARLY UNACCOMPANIED CHILDREN, ARE PROTECTED FROM EXPLOITATION AND VIOLENCE

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Children and their families no longer have to rely on trafficking and smuggling networks or to take highly unsafe routes to move

Child refugees and migrants, particulary unaccompained children have access to prevention and response services throughout their journey

Children and their families are protected from being returned to situation which would put them at grave risk of exploitation, violence or persecution

In context of origin mad transit, children and their families have information on and access to safe, orderly and regular channels to migrate and seek refuge

In context of transit and destination, authorities and/or service providers are capacitated to provide adequate, well resourced and standarized protection systems for migrant and refugee children

In context of transit and destination, authorities' decisions for long term care/status of migrant/refugee children are evidence based, considering the individual case and focused on the Best interest of the child

CHANGE

- Safe, migrations/asylum information being provided through trusted, official and community-based channels
- Advocacy to increase safe and legal channels to migrate and seek refuge
- Technical support to strengthen child-friendly law enforcement efforts on exploitation and abuse during migration/flight
- Provision of mobile child and mother-friendly safe spaces for the displaced to ensure protection and safeguarding
- Technical assistance to service providers on social work as well as child protection case management, as well as the Identification, and alternative care for UASC
- Technical assistance on information and advocacy for legal assistance for migration/asylum seeking proceedings
- Technical assistance for due process in all immigration/asylum seeking proceedings, in accordance with the best interest of the child

WHAT WOULD MAKE THE DIFFERENCE?

In countries of origin and transit, migrant/refugee children do not have access to information on safe and regular migration and risks, legal pathways to seek asylum

Trafficking and smuggling networks boosted by limited legal pathways to migrate or seek asylum

Migrant and refugee children risk abuse and exploitation by the hands of border and immigration authorities

- In transit and destination contexts, as well as when returned,children being at risk of exploitation and abuse, include. trafficking, due to systems being designed for static populations and underfunding of social worker systems and guardian pools or lack thereof
- In transit and destination contexts, children and families face a lack of information and legal assistance to assess their options
- In transit and destination context, children risk to be returned to situations of exploitation and abuse due to a lack of Best Interests and child-specific information being considered in immigration officials' decisions of return/durable solutions

ISSUES AND BOTTLENECKS

End the detention of children seeking refugee status or migrating

FRAMING THE ISSUE

Detention on the basis of migration status is practiced in all regions and in countries with both large and small numbers of migrants. There is currently no definitive data: The International Detention Coalition regularly cites the figure of 1 million, but this is probably an underestimation.[18] At least 100 states are detaining children on immigration grounds. The Global Study on Children Deprived of Liberty, to be published in late 2017, may provide more data.[19] UNICEF has engaged with the International Detention Coalition and others and spoken publicly on the necessity of non-detention, and has a long history of working on the issue of alternatives to detention for children in the context of criminal justice work.

18. International Detention Coalition, http://idcoalition.org/.
19. UN Human Rights, Office of the High Commissioner, http://www.ohchr.org/EN/HRBodies/CRC/StudyChildrenDeprivedLiberty/Pages/Index.aspx.

APPLYING THE THEORY OF CHANGE

a. Issues and bottlenecks

In at least 100 countries, boys and girls are detained for immigration control purposes. In the majority of these countries, there are no legal and procedural safeguards in place against immigration detention. Often, this is due to a lack of political will, limited awareness on the devastating impact that immigration detention has on children and a lack of knowledge regarding the growing consensus and 'soft law' prohibitions against detaining children, as well as Alternatives to Detention. A major procedural safeguard that is often missing is adequate and functioning age assessment procedures – with children not being identified as children and treated accordingly.

Alternatives to Detention (ATDs) are well documented and proven to be effective, more humane and cheaper.[20] ATDs allow children and their families to reside in the community without undergoing the trauma of detention. Alternatives applied in over 60 countries around the world include community supervision, regular reporting, bail schemes, case management or open shelters.

However, authorities, including immigration officials, lack an understanding and knowledge of ATDs. ATDs are not in place or not provided in adequate numbers to allow for the accommodation of needs. Immigration officials often have a great deal of discretionary power in placing individuals – including children – in detention. Yet, they may not be aware of or equipped to refer the children to ATDs and in applying the best interest in their decisions. In addition, while alternatives to immigration detention are in place for separated and unaccompanied children, they may be no alternatives for children who are with their families. There is a tension between not detaining a child and maintaining family unity when the parents are detained. That can only be resolved by applying alternatives to the whole family.

Child protection systems are generally underfunded and under-resourced, and ATDs need to be embedded in a well-resourced and functional system. This ensures, for instance, the monitoring and support of individual cases after release from ATDs.

The public is often unaware of the existence of child immigration detention in their own country, or not sensitized to the needs of migrant and refugee children, the effects of detention on the child's development and potential impacts on society, as well as the available ATDs. The public is not adequately leveraged as a voice of change. In a context where migration is increasingly criminalized and immigration detention legitimized, it is a challenge to mobilize the public on this issue, especially in the case of male adolescent UASC, and families.

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20. See 'There are Alternatives' and other IDC and UNHCR resources for a range of models of ATDs for children and families, at http://idcoalition.org/publication/there-are-alternatives-revised-edition/.

b. Key interventions

Support coalitions and campaigns to advocate for policy frameworks on ending child immigration detention: Engage with Governments directly and through international, regional and national coalitions such as the International Detention Coalition (IDC). Work with partners on this issue – both for advocacy and policy dialogue and for implementation of alternatives (where applicable).

In transit and destination, build national data and evidence to inform and advocate against detention: Evidence includes public beliefs and attitudes, consequences of immigration detention on children and ATD. Identify and use appropriate information channels and strategies that can influence people's minds and hearts on immigration detention.

In transit and destination, engage with Governments to establish functioning ATDs and adequately fund guardian systems: Analyse the situation in-country and define which alternatives may be most applicable. Provide technical support to Governments based on best practice ATDs, such as group homes, foster care systems, guardianship and other ATDs.

In transit and destination, strengthen the social welfare system to support and frame ATDs: Undertake public spending analysis and advocacy to reinforce universal and well-functioning child protection systems. Advocate for a systematic involvement of child protection authorities in migration systems and procedures.

Strengthen data and evidence on child immigration detention: Advocate with authorities to access data on boys and girls in immigration detention. Where data are non-existent, support authorities in establishing child immigration data collection systems for monitoring.

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END THE IMMIGRATION DETENTION OF CHILDREN SEEKING REFUGEE STATUS OR MIGRATING

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CHANGE

Legislation and procedures to end child immigration detention are in place	Public opinion demands end to child immigration detention	Alternatives To Detention (ATD) are available,functioning, and used
Authorities are convinced and capacitated to change/implement legislation and procedures	The public is reached by context-appropriate messaging and information to condemn child immigration detention	Authorities are capacitated to strengthen/establish ATDs, and dedicate technical and financial resources towards embedding it into a wider social welfare system

WHAT WOULD MAKE THE DIFFERENCE?

- Engagement with institutions to change accountabilities and provide tools- and rights/C4D-based institutional capacity building
- Context specific support to coalitions and campaigns to create public demand for, as well as technical support to develop policy frameworks
- Build national data and evidence, includ. beliefs and attitudes of the public, to inform and implement public campaigns
- Engagement with Govs for the establishment of functioning ATD and adequately funded guardians
- Strengthen the social welfare system to support/frame ATDs

ISSUES AND BOTTLENECKS

- Lack of political will, legal and/or procedural safeguards on avoiding child immigration detention
- Lack of understanding of BID and alternatives to detention by immigration officials
- Public tolerance of child immigration detention, especially those migrating with families
- Lack of a functional Alternatives to Detention (ATD) system
- Inadequate funding for child protection and social welfare

Keep families together as the best way to protect children and give children legal status

FRAMING THE ISSUE

Millions of children become separated from their caretakers early on in displacement, as a coping mechanism during protracted displacement, when the situation becomes life-threatening or resources are exhausted, when migrating independently within their own country or across borders – or when their caretakers migrate without them. In 2015, over 112,000 UASC filed claims for asylum in 78 countries.[21] For example, out of 1 million refugees from South Sudan, 44,600 were unaccompanied or separated.

Maintaining family unity in the best interests of the child during return procedures is often neglected, especially when children lack documentation. Birth certificates and legal identification documents can therefore enable durable solutions in repatriation or reunification of minors separated from their families in times of conflict or disaster.

Worldwide, nearly 230 million children under the age of five have not had their births registered - far fewer possess a birth certificate.[22] At least 70,000 new stateless children are born every year in the 20 countries hosting the world's largest stateless populations.[23]

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21. UNICEF, 2016, 'Uprooted – The Growing Crisis for Refugee and Migrant Children', New York.
22. UNICEF 2013. 'Every child's birth right: inequities and trends in birth registration', New York
23. UNHCR, 2015, 'I am here, I belong'.

APPLYING THE THEORY OF CHANGE

a. Issues and bottlenecks

The initial chaos of flight, aggravated by a lack of preparedness, can separate children from their caretakers. Border crossings may increase the risk of separation, especially when border guard officials are not trained on maintaining family unity or when the crossing is undertaken in a clandestine manner. The reasons for separation are manifold, with most being linked to the root causes of migration and displacement, such as conflict, poverty and unequal opportunities.[24]

A lack of active screening by qualified personnel results in many UASC not being identified by authorities or humanitarian service providers. When they are identified, family unity is often delayed as family reunification processes tend to be slow and tedious. Moreover, the legal definition of family does not always reflect the reality of personal ties and family life children experience. For cross-border reunification, migration and child protection authorities are often not systematically interlinked across borders. These circumstances motivate many children to take risks to reunify themselves. In many cases, children travelling on their own are attempting to join family member or relatives elsewhere – in many countries, restrictive policies limit the prospects of reunification, even with nuclear family members, for UASC who have been resettled or granted asylum.[25]

With regard to legal identity, migration is intrinsically linked to many stateless situations, where children and their families either become stateless during the course of migration, or child refugees and migrants are born into statelessness or when the impact of statelessness causes children and their families to leave their country of habitual residence. Many migrant and refugee children are at risk of statelessness due to migration and to nationality laws. Children on the move often face impediments to birth registration. Gaps in nationality laws and gender discriminatory nationality laws are a major cause of childhood statelessness. Lack of documentation hampers access to services, depriving children of their right to learn and to access social protection or health care, further risking arrest and detention.

Challenges facing these children can only be adequately addressed through comprehensive and reliable data. Birth registration and documentation help inform States to plan for adequate reception, and allocate resources needed to support these populations.

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24. The chances of separation are also heightened when family resources are depleted during protracted displacement, and caretakers or children migrate on their own to work or seek safety or children are married off.
25. UNHCR, 2016, 'High Commissioner's Dialogue on Protection Challenges', p.10.

b. Key programmatic interventions

Provide families, service providers and authorities with knowledge on how to minimize the risk of separation, across all contexts: Raise awareness with families, service providers and authorities on preventing family separation during movement and flight. Provide technical support to establishing surveillance systems and services.

Across all contexts, provide technical support on identification, screening and referral mechanisms for UASC to service providers and/or authorities: Provide technical support to authorities and/or service providers or directly establish contextualized identification, screening and referral mechanisms in line with Inter-Agency Guidelines on UASC, and a systematic consideration of durable solutions in line with the best interests of the child.

Establish coordination and confidential and secure data management mechanisms between child protection service providers, Civic Registration and Vital Statistics Systems (CRVS) and immigration authorities within and across borders: Advocate and provide technical support to authorities to allow for the establishment of referral and reunification processes of UASC and Family Tracing and Reunification programmes (FTR), including tracing and referral across borders. Technical support should include strengthening existing systems to accommodate technological solutions such as Primero where none exist.[26] Advocate with child protection and migration authorities to delink family tracing and reunification decisions from migratory status.

Address legal and procedural barriers to minimize the risk of statelessness for child migrants and refugees: Advocate and provide technical advice to Governments in addition to that provided by UNHCR on addressing legal and policy gaps which put children at risk of statelessness.

Make sure refugee and migrant children are included in the Civic Registration and Vital Statistics Systems system, especially ensuring access to their right to birth registration: Advocate with governments and provide technical support to ensure civil registry, or at least birth registration of all children within a territory. Identify and address context-specific legal, social, information or financial barriers to registration faced by refugee and migrant families. Establish birth registration systems catering to all children in a territory, including refugees, IDPs, migrants and highly mobile populations. Where needed, undertake a birth registration campaign to provide certificates to those without one. Ensure a process is in place to replace lost or destroyed civil registration documentation or provide interim documentation to ensure access to protection and other essential services.

26. See www.primero.org.

KEEP FAMILIES TOGETHER AS THE BEST WAY TO PROTECT CHILDREN AND GIVE CHILDREN LEGAL STATUS

CHANGE

Children and families remain together during flight and movement

The right to family life is respected by speedily reunifying children with their caregivers

Every migrant and refugee child has a legal identity

Safeguards are in place to ensure family unity during flight and cross-border movement

Mechanisms are in place to identify, trace and reunify speedily within and across borders

Governments and service providers are able and willing to provide migrant and refugee children with birth registration certificates and/or other identity documents

WHAT WOULD MAKE THE DIFFERENCE?

- Provide families, service providers and authorities with knowledge to minimize the risk of separation
- Provide technical support on identification, screening and referral mechanism for UASC to service providers and/or authorities
- Establish coordination and data management mechanisms between CP service providers and immigration authorities within and across borders
- Address legal and procedural loopholes to minimize the risk of child migrant/refugee statelessness
- Provide all children on the move with an official identity through civil registration services

ISSUES AND BOTTLENECKS

Children are separated from their families during chaos of flight, including during border crossings

Separated and Unaccompanied Children may not be identified

Family reunification processes are slow and tedious, motivating children to take risks to reunify themselves

Lack of coordination and 'contact' between migration authorities and CP authorities within states and across borders

- Migrant and refugee children are at risk of statelessness due to migration and to nationality laws
- Migrant and refugee children are less likely to be registered at birth
- Children and families flee without identification documents

UNICEF/PARTNERSHIPS

All refugee and migrant children keep learning and have access to health and other quality services

FRAMING THE ISSUE

For many migrant children, migration may have a positive impact due to increased accessibility to health and nutrition, education, WASH and social and child protection services in the destination community. However, these benefits are not universal and many migrant children (including within nations) are faced with legal, procedural, financial, cultural and social barriers to accessing services during transit and at their destination. This is particularly true for undocumented and forcibly displaced children in all parts of the world.

Worldwide, only half of child refugees are enrolled in primary school and adolescents in particular are affected with less than one-quarter enrolled in secondary school. Overall, a refugee child is five times more likely to be out of school than a non-refugee child.[27] These numbers represent just a portion of the children whose education is disrupted by displacement – internally displaced children far outnumber those officially registered as refugees and are not accounted for in these totals. Internal migrants may face particular barriers where their access to services is linked to their local registration or where discriminatory attitudes hamper service access.

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27. Susan Nicolai et al., 'Education Cannot Wait: Proposing a Fund for Education in Emergencies', ODI, London, May 2016, p. 10; United Nations Educational, Scientific and Cultural Organization, 'Global Education Monitoring Report'; United Nations High Commissioner for Refugees, 'No More Excuses: Provide education to all forcibly displaced people', Policy Paper 26; and UNESCO, 'Global Education Monitoring Report', May 2016, p. 3.

APPLYING THE THEORY OF CHANGE

a. Issues and bottlenecks

One of the main bottlenecks that prevent migrant or refugee children from accessing services is the lack of quality services for all children within a territory, because these services are not prioritized, funded or given the needed capacity. Where service providers are not equipped to provide quality health, education, WASH, protection and social protection services to nationals, they are unlikely to absorb the additional demands by children who are migrants and refugees.

Secondly, where services exist, there are often not adapted to the specific needs of families and children in transit or returned children – this includes the mode of delivery to highly mobile or transiting populations, and the type of support, such as catering to language and cultural barriers, or addressing specific needs such as those of UASC, children with disabilities or children who suffered from GBV along the way. Displaced children especially may have additional health, nutrition and protection needs due to the physical and emotional stress of being dislocated.

In many cases, the accessibility of services is linked to migration or refugee status, citizenship or residency, either in law or in practice. Children migrating internally may also be affected, where access to services is linked to registration in the locality (with the registration often difficult to obtain). In many countries, service providers are linked to immigration authorities – hence for undocumented migrants, accessing services may result in deportation and return to their country of origin. Barriers in practice also include discrimination and the negative attitudes of service providers, sometimes outright providing preferential treatment to local children. Returned childrencan face additional barriers, where there are returned without registration, have missed out on years of schooling or are not fluent in the language of the place of return.

Access to services by children and their families is hampered by prohibitive costs; inaccessibility to health insurance and other social protection schemes corruption; social norms where the value of accessing education, for example, is not recognized; a lack of trust on the part of children and their families; and the lack of information on their rights to and availability of services. Often, migrant and refugee children are not provided with adequate child-friendly information about services in a language they understand, or are not consulted in service design, especially for children with specific needs.

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b. Key interventions

UNICEF prioritizes access to existing services rather than the establishment of parallel services. Parallel services should be temporary and serving specific needs – most commonly during forced displacement after humanitarian emergencies.

Support the establishment and strengthening of quality and universal service provision in all contexts: Advocate for the universal availability of quality services for all children within a territory, including education and health. For health, this includes comprehensive access to primary health care and preventive services, including immunization and prenatal care, but also nutrition and hygiene services. Provide technical support to Governments and non-governmental service providers through public spending analysis, mapping of service delivery bottlenecks, system strengthening and other measures.

In transit and destination areas, work with service providers to integrate the needs of children: Undertake context-specific analysis of the needs of child migrants and refugees and the barriers that impede their access to services (including legal, procedural and practical barriers and cultural sensitivities) – this explicitly includes internal migrant children. Provide technical solutions to adapt services to cater to the needs of children, such as ensuring the transferability and recognition of education credits, language support, entry and catch-up classes or mobile health and nutrition services. Propose referral mechanisms between service providers and data exchange across borders to follow these children, whilst ensuring the confidentiality of data and the best interests of the children.[28]

Ensure restoration of and access to services, including direct provision of services where necessary, in all contexts: Identify and analyse disruption in services in emergency situations including in places of return. Where the authorities are not equipped to address the needs, UNICEF will provide direct services (as a provider of last resort in humanitarian contexts). This may include Blue Dot Centres.

In transit and destination countries, advocate with Governments to enable access to quality services independent of migration or citizenship status: Assess gaps in the legal and procedural frameworks, including determining whether adequate firewalls exist between service providers and immigration authorities. Conduct an impact and cost analysis and use it in targeted advocacy with Governments.

In transit and destination, provide technical support to authorities to address discrimination from institutions and social service providers: Review laws and regulations, raise awareness among service providers about non-discrimination, and introduce accountability measures in the implementation of non-discrimination.

Provide information and build demand among migrant and refugee families and children on their rights and available access to services, in all contexts: Analyse existing barriers to knowledge, attitudes and practices (KAP Study). Identify and use appropriate channels for C4D interventions. Address context-specific barriers identified by families and children.

Adjust and expand social protection programmes to address poverty and vulnerability of child migrants and refugees: Assess the feasibility of implementing or expanding social protection programmes, including access to national health insurance schemes. Enable the affordability of education through education grants.

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28. Requires careful drafting of Terms of Reference for any cooperation, to ensure that the risk of misuse of data from service providers by immigration authorities is addressed, and the independence and accessibility of service providers remains guaranteed.

ALL REFUGEE AND MIGRANT CHILDREN KEEP LEARNING AND HAVE ACCESS TO HEALTH AND OTHER QUALITY SERVICES

Quality services are available for all children, independent of location, migration and citizenship status

Migrant and refugee children access quality services which accommodate their specific needs free from discrimination

Families and communities of migrant/refugee children access and demand quality services, including education and health

Service providers are resourced and capacitated to provide quality services for all children across humanitarian and development settings

Services are fit to accommodate with quality the specific needs of migrant/ refugee children

Families of migrant/refugee children are aware of quality services and are able to afford related costs

CHANGE

- Support the implementation of the SDGs and CCCs towards quality, universal service provision
- Technical support and advocacy to Gov authorities/service providers to facilitate the integration of the needs of migrant/refugee children
- Ensuring restoration of and access to services, including direct provision of services where necessary
- Advocacy with Government to enable access to quality services independent of migration/ citizenship status
- Technical support to authorities on addressing discrimination from institutions and social service providers
- Provide information and build demand by migrant/refugee families and children on their rights and available access to services
- Social protection programmes are adjusted/expanded to address poverty and vulnerability of migrant/refugee children

WHAT WOULD MAKE THE DIFFERENCE?

- Insufficient prioritization, capacity and funding for basic services for all children on the territory, not only for migrant/refugee children
- Service provision not adapted to the needs of families and children on the move, as well as returned children
- Services provision, especially to displaced children, is not available as the system is overwhelmed and unable to cope with increased demand
- The accessibility of services is linked to migration status or citizenship
- Discrimination and negative attitudes of service providers
- Poverty, social norms and trust hinder access and uptake to basic services for children and their families

ISSUES AND BOTTLENECKS

UNICEF/PARTNERSHIPS

Press for action on the underlying causes of large scale movements of refugees and migrants

UNICEF's regular development and relief programming seeks to improve the conditions in communities of origin, and increase the range of viable life opportunities available to families and children so that migration is one choice amongst many, and not the only choice a family can see to improve their lives. As such, programme interventions relevant to this policy ask should be part of broader Country Programmes components and strategies, where UNICEF seeks to address issues of widespread poverty and exclusion, violence and conflict. This includes programming that aims to reach the Sustainable Development Goals on protection, education, health and nutrition, social policy and WASH indicators.

UNICEF strives for peace and security. Our advocacy for respecting humanitarian and human rights laws, as well as the IDP guiding principles, is intended to prevent protracted displacement and to find durable solutions for boys and girls as quickly as possible.

Promote measures to combat xenophobia, discrimination and marginalization in countries and areas of transit and destination

FRAMING THE ISSUE

Racism and xenophobia are recognized to be increasing globally, exacerbated by the current migrant and refugee crisis. There is anecdotal evidence from every region in the world - in the absence of global definitions, proxy data is available such as reported incidence of hate crimes at national level.[29] In the United States, for example, law enforcement agencies reported 5,479 hate crime incidents involving 6,418 offenses to their Uniform Crime Reporting (UCR) Program in 2014.[30] The limited data available from the EU shows that hate crime incidents are 'pervasive and grave'.[31] 21 OSCE Member States do not collect any data at all and the US does not have an inclusive definition of hate crime that applies nationally. Children interviewed during the 2016 Global Refugee Youth Consultations reported a lack of positive experiences with host communities in their countries of asylum and encounters with xenophobia.[32]

APPLYING THE THEORY OF CHANGE

a. Issues and bottlenecks

The bottlenecks to combating xenophobia, discrimination and marginalization in communities of transit and destination are complex. In many contexts, migrant and refugee children are perceived as distinct from other children and not seen and treated as children, regardless of their status. This is partly due to a lack of public knowledge on child rights, including the awareness that adolescents up to age 18 need to be considered as children.

Media coverage of migrant and refugee issues can be biased and supporting negative stereotypes. Even where positive news coverage exists, this does not necessarily reach those critical of child migrants and refugees, or xenophobic people, nor does it lead to constructive public dialogue about integration, tolerance and non-discrimination. Access to information is becoming increasingly fragmented and may lead to polarized views.

There is a rise in populist xenophobic discourse in many societies around the world. Some politicians are either responding to or fueling these sentiments, or are unable to mitigate public concerns on immigration and to counter xenophobia. This only perpetuates feelings of disenfranchisement and the exclusion of migrant communities. Stereotypes and the fear of the other are compounded when there is a lack of interaction, dialogue and trust between hosts and migrant and refugee communities.

29. See OSCE, which collects data on hate crimes across 57 states.
30. See Federal Bureau of Investigation, 2014 Hate Crime Statistics, https://ucr.fbi.gov/about-us/cjis/ucr/hate-crime/2014/topic-pages/incidentsandoffenses_final, accessed 03 December 2015.
31. Fundamental Rights Agency, 2016, Current migration situation in the EU: Hate crimes, November 2016.
32. Women's Refugee Commission, UNHCR and GRYC, 2016, 'We believe in Youth – Global Refugee Youth Consultations', Final Report.

b. Key interventions[33]

Generate data and evidence on beliefs, attitudes, behaviours and norms on migration: Generate baselines and attitudinal surveys of different segments of society and their information channels. Analyse pre-existing patterns of discrimination, particularly with reference to indigenous groups and other ethnic and religious minorities. Identify opportunities and gaps, push factors and systemic reinforcement of vulnerability in Government and civil society responses. Identify and use appropriate information channels to reach untapped and xenophobic audiences.

Reframe the issue of children on the move in online searches: Find new ways to frame the issue of migrant and refugee children online so that queries for information are not dominated by discriminatory or xenophobic search results (a function of the algorithmic filter). Find new, innovative ways of engaging with untapped audiences. Identify and engage untapped champions, unlikely distribution channels and thought leaders to reach new audiences. Include children as leaders of change. Document conditions in countries of origin to use in campaigns.

Build public support for political parties, stakeholders and influencers accepting and supportive of child migrants and refugees: Design advocacy and C4D interventions to identify discriminatory and exclusionary attitudes and address behaviours and social norms. Identify financial and political drivers that support and reinforce xenophobia; assess political will and entry points to change. Strengthen the C4D and advocacy capacities of youth and faith-based organizations and other relevant civil society partners engaged in non-discrimination initiatives.

Promote social solidarity, trust and exchange between discriminated groups and host communities: Support national shared education and sports initiatives as well as youth engagement programming. Give voice to children in transit and children in their host communities through youth exchange platforms such as U-Report.

Engage the media, including media organizations and networks: Organize ethical training and facilitate news coverage that promotes positive framing of child migrants and refugees and constructive public dialogue. Identify champions of change and change blockers in the media industry and craft interventions based on learnings about the audience we are trying to reach. Publicly and strongly condemn xenophobia and discrimination at opportune moments. Engage long-term with tailored, evidence-based messaging.

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33. Although applicable to all policy asks, public communication and advocacy as well as C4D strategies and tools become key assets when unpacking this policy ask.

ALL CHILDREN SEEN AS CHILDREN REGARDLESS OF THEIR STATUS

UNICEF/PARTNERSHIPS

CHANGE

Increase in explicit anti-xenophobic statements by leaders reaching wider segments of society

Reduction in discrimination and exclusion, as reported by migrant/refugee children and societies

The host population has access to evidence-based and unbiased information and news coverage on migrant and refugee children

Local leaders and decision-makers are involved in evidence-based and locally tailored campaigns which reach a large and diverse part of the population

Migrant/refugee children and host communities have opportunities to interact more frequently and meaningfully

The media is equipped and sensitized to support a positive depiction of migrant/refugee children

WHAT WOULD MAKE THE DIFFERENCE?

- Build national data and evidence, includ. pre-existing beliefs and attitudes of different segments of society and their information channels
- Explore new and innovative ways of reaching untapped audiences
- Build public support for parties accepting and supportive of migrant/refugee children
- Promote social solidarity and exchange between discriminated groups and host communities
- Engage the media with ethical training and positive new stories

ISSUES AND BOTTLENECKS

Lack of public knowledge on child rights, includ. that adolescents up to age 18 need to be considered as children

Pro-migrant information/media does not reach segments of society (filter function/news bubbles)

A rise in populist xenophobic discourse and politicians either fueling or being unable to mitigate public's concerns on immigration and to counter xenophobia

- Migrant communities feeling disenfranchised
- Lack of interaction between host and migrant/refugee community
- Media at risk of polarizing the society

UNICEF'S COMPARATIVE ADVANTAGE

The protection of migrants and refugee boys and girls is a core intervention of UNICEF programming. Around the world, UNICEF works with authorities and implementing partners to provide protection services against violence and exploitation of children, including trafficking, for instance, by assisting justice authorities on child-friendly procedures, victim assistance and legal reform.

UNICEF is well placed to advocate the introduction or expansion of ATD with national authorities. UNICEF's track record in supporting ATD as part of the Justice for Children Programming can be leveraged and adapted for children at risk of detention for immigration control purposes.

UNICEF works on the prevention of family separation and on the identification, tracing, reunification and alternative care of unaccompanied and separated children globally. UNICEF coordinates with ICRC and UNHCR and implementing partners to exchange information on separated children and for tracing their families, particularly in humanitarian contexts. Together with UNHCR, UNICEF promotes birth registration of all refugee and displaced children, and partners with governments in more than 80 countries to strengthen national systems for registering every birth. UNICEF has joined UNHCR in the 2014-2024 Global Action Plan to End Statelessness.

Providing direct services to governments or supporting them in fulfilling their commitments to basic service provision is UNICEF's forte. The organization builds on decades of experience in setting standards, direct service provision and supporting governments and partners in working with displaced and mobile populations.

Beyond forcibly displaced children, UNICEF has been providing technical support or advocating with governments to include all children, irrespective of location, migration or citizenship status, in service provision. This includes policy analysis on differential service provision,[34] and technical support to adapt existing services to the needs of mobile populations or to establish new services.[35]

UNICEF has worked to address xenophobia programmatically[36] and through campaigns, although there is no specific overarching strategy. Efforts in this regard would draw on strong expertise, field presence and partnerships in Communication, Public Advocacy, C4D, Adolescent Engagement and other programme areas that seek to influence lasting behaviour change among communities.

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34. See UNICEF, The Legal Entitlements of Refugee and Migrant Children in 33 European Countries, April 2016, internal document.
35. Examples include UNICEF Egypt supporting the integration of Child Protection services into existing health services for Syrian migrant and refugee populations, and UNICEF Germany supporting the German Government in setting accommodation standards for asylum-seeking children and their families.
36. In ESARO, UNICEF has responded programmatically to outbreaks of xenophobia in South Africa and Kenya, providing emergency relief supplies and protection interventions to meet immediate needs of vulnerable women and children. In CEE/CIS, considerable work has been undertaken to mitigate discrimination and xenophobia against the Roma people, while in 2015, Latin American countries (in particular, Chile) launched a campaign during the Copa America Soccer Cup to address discrimination against young migrants in Latin America. UNICEF National Committees (NatComs) have also undertaken work – the German NatCom produced a report about the situation of refugee children in Germany which included consideration of social exclusion and discrimination, from both governmental authorities and wider society, while Slovenia engaged through child ambassadors, child-friendly cities and workshops bringing together Slovenians with refugees and migrants.

PARTNERSHIPS

UNICEF engages in wide-ranging partnerships, including key humanitarian partners, at the national, regional and global level to protect child migrants and refugees. At the country level, UNICEF can draw on the long-standing partnerships it has developed over decades with Governments, national and subnational authorities and civil society. At the regional level, these include continuous engagement with regional bodies to support the rights of child migrants and refugees. These strong and ongoing relations are the main entry point for systematic change and advocacy.

At the operational level, depending on whether these are humanitarian or non-humanitarian contexts, UNHCR, IOM, OCHA, ICRC, NGOs and community-based organizations are the main partners, as well as UNRWA, UNDP, UNFPA and other UN agencies and national authorities.[37]

At the policy and advocacy level, the Special Rapporteur on the Human Rights of Migrants, the Special Rapporteur on the Human Rights of Internally Displaced Persons, the Committee on Migrant Workers, the Senior Inter-Agency IDP Network, IASC Reference Group on Protracted Displacements are the key stakeholders.

Relevant international, regional and national networks and organizations for migrant and refugee rights are also important partners especially as the frontline advocates for

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37. United Nations High Commissioner for Refugees, International Organization for Migration, United Nations Office for the Coordination of Humanitarian Affairs, International Committee of the Red Cross, United Nations Relief and Works Agency for Palestine Refugees in the Near East, United Nations Development Programme, United Nations Population Fund.

service accessibility. Think tanks and policy institutes can play a crucial role in policy research and advocacy.

On trafficking, specifically, UNICEF is engaged with the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), through which common standards are being promoted. The United Nations Office on Drugs and Crime (UNODC), where present, is a long-standing partner on trafficking. Regarding the protection of the rights of migrant children, The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the human rights of migrants are key interlocutors.

The International Detention Coalition (IDC) is the main partner for advocacy and policy dialogue at the global level on the issue of detention, and brings together a range of UN and NGO/CSO actors. Amnesty International, Human Rights Watch and the Ford Foundation also periodically address the issue in publications and advocacy efforts and may be valuable partners in specific situations and contexts. At the national level, UNHCR and IOM would be the main partners to consider working with, and OHCHR where present.

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With regard to Civic Registration and Vital Statistics Systems and Legal Identity, the World Bank, UN Statistics Division and UN Regional Commissions, WHO, UNHCR and UNFPA and Plan International are among the key partners working with UNICEF globally. UNHCR is the main partner in combating childhood statelessness, through the joint UNICEF-UNHCR campaign on ending childhood statelessness. Human rights organizations, including Human Rights Watch, Amnesty International and regional organizations may have an important information and advocacy role to play. The Norwegian Refugee Council (NRC) works on citizenship and statelessness as a thematic policy area. With regard to family unity in emergencies, the main partners would be governments, the ICRC and UNHCR.[38]

Faith-based organizations, migrant groups and diaspora organizations can provide significant advocacy, financial and political support in specific situations and contexts as can human rights groups such as Amnesty International, and local and international groups. Other partners include the private sector in industries or specific sectors where there are large numbers of migrant or xenophobia-affected workers, unions and local chambers of commerce. UNICEF also partners with the media groups, local and community newspapers, and well with international and national broadcast agency foundations such as Reuters and Ford. Local faith leaders and community organizers and elders can be mobilized to include groups and address local norms and practices which reinforce xenophobic attacks.

38. See Inter-agency Guiding Principles on Unaccompanied and Separated Children for guidance.

ANNEX 1
Normative framework

This section provides a listing of laws, principles and guidance documents that inform the six policy asks of UNICEF on migration and displacement.

Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence

INTERNATIONAL HUMANITARIAN LAW (IHL)

The ***4th Geneva Convention (1949)*** on the protection of civilians in times of war states that children shall benefit from the same treatment and protection as their national counterparts in the state concerned (Article 38). The convention further stresses that parties to the conflict should make sure that all children, particularly those who are orphaned or separated from their family as a result of war, are taken care of and not left to themselves.

Additional protocol I relating to the protection of Victims of International Armed Conflicts (1977) and Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts (1977) address both states and parties to the conflict by urging them to *"… take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces."*

INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) emphasizes the necessity to establish comprehensive policies and programmes as well as adopt an all-inclusive international approach in the countries of origin, transit and destination in order to prevent and combat trafficking (especially women and children) to punish the traffickers and to protect the victims of trafficking, including by protecting their internationally recognized human rights.

The Convention on Jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (1996) provides a set of legal provisions and international cooperation arrangements on cross-border child protection, children's safety and welfare in cases of children moving from one state to another state. It aims to ensure effective communication between child welfare, administrative and judicial authorities of states, to determine which measures a state has to take to protect children and which laws should be applied when taking these measures. The Convention calls upon states to not make any distinction in the case of refugee, internationally displaced or stateless children in providing protection and care.

UN Convention on the Rights of the Child (1989): The right to be protected from violence, exploitation and abuse is anchored in the Convention on the Rights of the Child (CRC). It obligates State Parties to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the

care of the child" (CRC Art.19). The CRC also stipulates the measures on preventing sexual abuse (Art.34) and "the abduction of, the sale of or traffic in children for any purpose or in any form" (Art.35).

General Comment 6 to the Convention on the Rights of the Child (2005) aims to address protection gaps and special vulnerabilities of Unaccompanied and Separated Children Outside their Country of Origin and provides States with guidance on how to implement their obligations under the Convention with respect to the treatment of such children. It stresses that *"Such responsibilities are not only limited to the provision of protection and assistance to children who are already unaccompanied or separated, but include measures to prevent separation."* General Comment 6 highlights the fact that Unaccompanied and Separated Children in particular are vulnerable to discrimination in form of denied access to food, shelter, housing, health services and education and to all forms of violence, including sexual exploitation and abuse, military recruitment, child labour, gender-based violence and domestic violence. The General Comment urges states to take all measures to trace family members of the child, to ensure family reunification and to give such children access to proper and appropriate identification, registration and documentation mechanisms, asylum procedures, guardianship, legal services and age assessment.

SECURITY COUNCIL FRAMEWORK

Security Council resolution 2331 (2016) recognizes that *"…trafficking in persons in armed conflict and post-conflict situations can also be associated with sexual violence in conflict and that children in situations of armed conflict and persons displaced by armed conflict, including refugees, can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation…"*

UNICEF FRAMEWORK

The ***UNICEF Core Commitments for Children in Humanitarian Action (2010)*** outline UNICEF's commitment to address and prevent violence, exploitation and abuse of children and women, including GBV (Child Protection Commitment Goal 5).

INTERNATIONAL PRINCIPLES AND GUIDELINES

The ***Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements (Global Migration Group) (2016)*** provides a set of principles and practical guidance on the protection of human rights in large and mixed movements. Derived from international human rights law and related standards, they also pay attention to the particular rights of specific groups in such movements, by asking States to ensure that:

- Child protection policies and systems internally and across borders on migrant children are based on international law; and that the principle of the best interests of the child is applied at all times (10.1 and 10.5);
- Age determination procedures are carried out in a safe, child-responsive and gender-responsive manner with a presumption in favour of the child; and that screening of child migrants are conducted by a child protection officer (10.2 and 10.5);
- Unaccompanied and separated migrant children receive special protection and assistance through qualified and independent guardians and lawyers (10.3);
- Child migrants, in particular unaccompanied or separated children, are protected from exploitation and abuse, including human trafficking and the worst forms of child labour (17.3); and that services including medical, sexual and reproductive health care and psychosocial services are in place to assist in recovery and rehabilitation (17.5).

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The OHCHR Recommended Principles and Guidelines on Human Rights at International Borders (2014) aim to inform governments, international agencies and other stakeholders about the normative framework and the administration and governance of international borders. They emphasize that no exclusions or exceptions to human rights apply at international borders and the principle of non-discrimination must be applied regardless of migration status or other circumstances. Particular importance is given to special procedures for children by highlighting that children have to been treated first and foremost as children without any discrimination and regardless of their migration status. Primary consideration shall be given at all times to the best interests of the child. The principles and guidelines further stress that children who are being identified as unaccompanied or separated should always be referred to child protection agencies and not be interviewed without having appropriately trained and qualified personnel present. Children who are survivors of torture, violence and trauma should be supported to report such abuse and referred to medical and psychosocial services.

The Paris Principles. Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007) provide a set of guidelines for protecting children from recruitment into armed forces or armed groups as well as guidance related to the disarmament, demobilization and reintegration of children who are already associated with armed forces or armed groups. Principle 5.0 and 6.14 recognize the particular vulnerability of refugee and internally displaced children to be recruited and used by armed forces and armed groups due to the lack of social protection mechanisms, discrimination and a lack of economic, educational and other opportunities. Following this recognition, Principle 5.2 highlights the right of the child to seek and enjoy asylum and to be assisted in gaining access to available asylum procedures. Principle 5.4 calls upon states to ensure that children are not returned to countries where there is a risk of recruitment or re-recruitment or use by armed forces or armed groups and to ensure that children who do not meet the requirements for granting refugee status under the 1951 Refugee Convention still benefit from available forms of complementary protection (5.5).

The ***UN OCHA Guiding Principles on Internal Displacement (1998)*** address the special needs of IDPs affected by forced displacement. They identify protection needs and assistance that are required during forced displacement as well as during return or resettlement and reintegration. The Guiding Principles recognize the particular vulnerability of children and unaccompanied minors by addressing their need for special protection and assistance (4.2), in particular with regard to forced labour and slavery or any contemporary form of slavery (11.2) as well as with regard to recruitment and participation in hostilities (13.1).

OUTCOME DOCUMENTS OF UN CONFERENCES

The ***New York Declaration for Refugees and Migrants (2016)*** expresses the political commitment of Member States to protect the rights of refugees and migrants, to save their lives and share the responsibility for large movements worldwide. In relation to the protection of children, Heads of State committed themselves to take all necessary steps to address the particular vulnerabilities of children during their entire journey from country of origin to country of arrival and to give primary consideration to the best interests of the child, in particular to those children who are unaccompanied and separated from their families. This includes the protection from discrimination and all forms of violence, exploitation, as well as sexual, physical and psychological abuse, human trafficking and contemporary forms of slavery.

While the ***UN Sustainable Development Goal (2015)*** framework aims to end poverty in inequalities in all its forms, SDGs 5, 8 and 16 pay special attention to ending all forms of violence, exploitation and abuse. SDG 16.2 aims to end all forms of violence against children, including abuse, exploitation, torture and trafficking. It is supplemented by SDG 5.2 (to eliminate all forms of violence against women and girls) and SDG 8.7 (to eradicate forced labour, modern slavery and human trafficking; and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers).

End the detention of children seeking refugee status or migrating

In 2005, the CRC Committee stated in General Comment No. 6 that children should not, as a general rule, be detained on the basis of their or their parent's migration status. Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof.

This position was further clarified as applying to all children, irrespective of whether they are unaccompanied or separated, or whether they are travelling together with their parents, guardians, or other family members. In 2012, following the CRC Committee's Day of General Discussion on 'the rights of all children in the context of international migration', the Committee noted unequivocally, *"The detention of a child because of their or their parent's migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child. In this light, States should expeditiously and completely cease the detention of children on the basis of their immigration status."*

Given the detrimental impacts that immigration detention is now known to have on children, the CRC Committee has urged States to "expeditiously and completely" end the practice, and to instead implement non-custodial, community-based ATD that fulfil the best interests of the child, along with their rights to liberty and family life.

This position has now been echoed by virtually every relevant UN and regional human rights expert, including OHCHR, UNHCR, UNICEF, the UN Working Group on Arbitrary Detention (WGAD), the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), the Inter-American Commission on Human Rights (IACHR), the Inter-American Court of Human Rights (IACtHR), and the Council of Europe, just to name a few (see IAWG, Summary of normative standards and recommendations on ending child immigration detention).

In March 2015, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, summarized the growing consensus that child immigration detention is fundamentally prohibited under international law, stating: *"[T]he principle of ultima ratio that applies to juvenile criminal justice is not applicable to immigration proceedings. The deprivation of liberty of children based exclusively on immigration-related reasons exceeds the requirement of necessity because the measure is not absolutely essential to ensure the appearance of children at immigration proceedings or to implement a deportation order. Deprivation of liberty in this context can never be construed as a measure that complies with the child`s best interests."*

This consensus is currently being further codified as a matter of international law by the CRC Committee working together with the Migrant Workers' Committee to produce a Joint General Comment on the Human Rights of All Children in the Context of International Migration. Expected to be finalized in 2017-2018, a Joint GC will reaffirm the 2005 and 2012 findings of the CRC Committee.

Keep families together as the best way to protect children and give children legal status

INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

The ***UN Convention on the Rights of the Child (1989):*** Article 9 outlines respect for family unity, and Article 10 on facilitating family reunification. Articles 7 and 8 declare that national governments must register all children present in its territory immediately after birth and that children enjoy the right from birth to acquire a nationality. Article 7 also obligates states parties to implement this right "in particular where the child would otherwise be stateless." The Committee on the Rights of the Child has stressed that states parties to the CRC must implement children's right to a nationality in such a way that the best interests of the child are observed.

Article 1 Abs 3 of the ***1961 UN Convention on the Reduction of Statelessness*** states that *"…a child born in wedlock in the territory of a Contracting State, whose mother has the nationality of that State, shall acquire at birth that nationality if it otherwise would be stateless…"* and further adds in Article 5 Abs 2 that *"…a child born out of wedlock loses the nationality of that State in consequence of a recognition of affiliation, he shall be given an opportunity to recover that nationality by written application to the appropriate authority…"*

The ***1951 UN Convention Relating to the Status of Refugees*** recognizes the crucial role of the family and urges all governments to *"…take the necessary measures for the protection of the refugee's family,"* particularly with regard to unaccompanied children and girls, and declares that *'the unity of the family... is an essential right of the refugee…"*

SECURITY COUNCIL FRAMEWORK

Security Council Resolution 2331 (2016) recognizes the increasing vulnerability of children to violations and abuses when separated from their families or caregivers by *"…expressing grave concern over the high numbers of girls and boys among persons trafficked in armed conflict and their heightened vulnerability to violations and abuses, including girls and boys who are forcibly displaced by armed conflict, particularly when separated from their families or caregivers…"* and further *"…urges…that due consideration is given to clarifying and securing the legal status of undocumented refugee children, including refugee children conceived as a result of sexual violence or exploitation, to avoid situations of possible statelessness…"*

UNICEF FRAMEWORK

UNICEF Core Commitment for Children in Humanitarian Action (2010) outlines our commitment to prevent and address the separation of children from families, and to promote family-based care (Child Protection Core Commitment 4).

INTERNATIONAL PRINCIPLES AND GUIDELINES

Principle 1 and Principle 10 of the ***Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements (Global Migration Group) (2016)*** calls upon states to *"…promote and support action to prevent statelessness, recognizing that statelessness can be a gendered phenomenon, and ensure that all children are able to acquire a nationality. Ensure migrants are issued with identity documentation necessary to secure their rights…"* (Principle 1/ Guidelines 2) and to *"…ensure the effective provision of free birth registration for all children in the context of migration, irrespective of the migrant status of their parents…"* (Principle 10/ Guidelines 4).

Principle 9 emphasizes the importance of protecting the family unity of migrants and the obligation of states to facilitate family reunification in case of separation, particularly with regard to the return of unaccompanied or separated children to their parents. States shall apply the best interests of the child in the reunification process and take into consideration the fact that *"…reunification in the country of origin may not be in the child's best interest…"* and that *"maintaining family unity should never form the justification for the detention of children whose parents/guardians are detained…" (Guidelines 1).* Furthermore, states are asked to facilitate the family registration process recognizing that various forms of families exist (Guidelines 4); and to cooperate with other states in case families are separated for political, economic or similar reasons (Guidelines 2).

With regard to unaccompanied children arriving at international borders, the ***OHCHR Recommended Principles and Guidelines on Human Rights at International Borders (2014)*** ask states to ensure that they are provided with competent guardians to assist the child in all matters, including throughout the return process. According to the Principles, states have to ensure that the return of the child is in its best interests, family members or a guardian have been identified and reception as well as care arrangements are made in the country to which the child will be returned. *"Unaccompanied and separated children should not be returned without ensuring that proper care and custodial arrangements are in place and that family members have been traced in the country of return."*

The ***Unaccompanied and Separated Children Inter-Agency Guidelines (2004):*** *"The principle of family unity – or integrity of the family – states that all children have a right to a family, and families have a right to care for their children. Unaccompanied and separated children must be provided with services aimed at reuniting them with their parents or primary legal or customary caregivers as quickly as possible."*

The ***UN Guidelines for the Alternative Care of Children (2010)*** stresses the essential role of the family for the growth, the well-being and protection of children. The Guidelines call upon states to make every effort to prevent family separation and ensure appropriate and culturally sensitive measures particularly for children in vulnerable situations such as unaccompanied and separated children, internally displaced and refugee children.

The ***Paris Principles. Principles and Guidelines on Children associated with armed forces or armed groups (2007)*** recognize the importance of setting up and implementing a national birth registration system as well as providing identity documents to all children as a measure to avoid underage recruitment (Principle 6.7). They further stress that children are at higher risk of remaining separated from their families if they have already been recruited into armed forces and armed groups and their families are displaced. All efforts for family reunification with regard to children who have been released and demobilized must be guided by the Inter-agency Guiding Principles on Unaccompanied and Separated Children.

The ***UN OCHA Guiding Principles on Internal Displacement (1998)*** call upon states to make every effort to ensure family reunification as quickly as possible in case families are separated due to displacement, and to facilitate, in cooperation with

humanitarian organizations engaged in the task of family reunification, inquiries made by family members (17.3).

OUTCOME DOCUMENTS OF UN CONFERENCES

The ***New York Declaration for Refugees and Migrants (2016)*** recognizes *"…the importance of early and effective registration and documentation, as a protection tool and to facilitate the provision of humanitarian assistance…*. Member States committed themselves to ensure that all births on their territories are registered. The declaration further stresses the strong linkage between forced displacement and statelessness, the latter as being a root cause and consequence.

The ***UN Sustainable Development Goals (2015)*** aim for 'legal identity for all, including birth registration by 2030' (16.9).

All refugee and migrant children keep learning and have access to health and other quality services

INTERNATIONAL HUMANITARIAN LAW (IHL)

The ***Geneva Conventions (1949) and in particular the additional protocol relating to the protection of Victims of International Armed Conflicts (Protocol I) (1977) and to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977)*** stress the importance of providing children with care, aid and education with the greatest possible continuity including religious and moral education. Additional Protocol I particularly calls upon parties to the conflict to provide children with *"…the care and aid they require, whether because of their age or for any other reason."*

INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

The ***UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)*** calls upon Member States to implement measures to provide victims of trafficking in persons with physical, psychological and social recovery, particularly with regard to the provision of appropriate housing, counselling, legal support, medical and psychological assistance and access to employment, education and training opportunities (Article 6 Abs. 3). Member States are asked to take into account the special needs of children in applying these provisions (Article 6 Abs 4).

The ***UN Convention on the Rights of the Child (1989)*** oblige States Parties to the CRC to ensure that the rights enshrined in the CRC are guaranteed to all children present on State territory on equal terms, regardless of their or their parents' migration status. Specifically, CRC Art. 24 on accessing health care service, outlines that "States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services" and Art. 28 on access to education emphasizes that States Parties are obliged to ensure education is available and accessible to every child on the basis of equal opportunity. Article 27 of the CRC obliges States Parties to take appropriate measures assisting parents to implement the child's right to an adequate standard of living, and in case of need, provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

SECURITY COUNCIL FRAMEWORK

Security Council resolution 2331 (2016) calls upon Member states to *"…implement robust victim, and possible victim, identification mechanisms and provide access to protection and assistance for identified victims without delay, also in relation to trafficking in persons in armed conflict, including where such victims are refugees and internally displaced persons (IDPs), and to address comprehensively victims' needs, including the provision of or access to medical, psychosocial assistance and legal aid, as well as ensure that victims are treated as victims of crime and in line with domestic legislation not penalized or stigmatized for their involvement in any unlawful activities in which they have been compelled to engage…"*

UNICEF FRAMEWORK

UNICEF's Core Commitments for Children in Humanitarian Action (2010): The entirety of UNICEF's CCC is relevant for access to services for displaced children. Specifically relevant for displaced children are UNICEF's commitment on accessing life-saving health interventions and equitable access to essential health services (Health Commitment 2 and 3); on receiving appropriate infant and young child feeding and malnutrition services (Nutrition Commitment 3 and 4); on accessing quality education opportunities in a safe and secure environment (Education Commitment 2 and 3); and on the provision of psychosocial support (Child Protection Commitment 6).

INTERNATIONAL PRINCIPLES AND GUIDELINES

Principle 4 of the ***Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/ or mixed movements (Global Migration Group) (2016)*** calls upon states to take all necessary steps to assist migrants in gaining access to justice, particularly to those who might be at risk of being excluded, marginalized or stigmatized based on their gender, sexual orientation, migrant status, age or others. It further highlights, that information on rights, remedies, victim support services and the criminal justice process have to be available to all migrants in an age appropriate, gender-sensitive and easy accessible manner. With regard to children, states must ensure that child migrants *"…have legal representation in any hearings that affect them, with quality legal aid made available without any cost to them and regardless of nationality, migrant status, or statelessness…"* in a child-friendly manner. The Principles and Guidelines further stress the importance of the provision of non-discriminatory, culturally appropriate and gender-sensitive health care, support and treatment (Principle 12); ensuring access to shelter and housing and including migrants in national plans of action on housing and (Principle 13) as well as developing *"… procedures and mechanisms to ensure the access of all school-aged migrant children, including separated and unaccompanied children, as well as undocumented children, to adequate and appropriate education, on the basis of equality of treatment with nationals and with primary education free of charge for all"* (Principle 15).

The ***OHCHR Recommended Principles and guidelines on human rights at international borders (2014)*** highlight the importance of having relevant service providers present at international borders. States are therefore asked to ensure the availability of services such as interpreters, legal services, health care services as well as guardians for separated children.

The ***Paris Principles. Principles and Guidelines on Children associated with armed forces or armed groups (2007)*** stress the right of the child to seek and enjoy asylum and call upon Member States to ensure that all children, including those who are unaccompanied or separated, have access to asylum procedures and other forms of protection (Principle 5.3). Principle 6.26 recognizes that *"…Education provides opportunities to learn and, when effective, gives children the skills and competence to meet their needs, protect themselves and build hope for the future…"* Member States are therefore asked to ensure that all children, including returnees and stateless, refugee and internally displaced children have access to free quality education, life skills and relevant vocational training. Promoting, and giving children access to education is highlighted as an effective tool to prevent underage recruitment.

The ***UN OCHA Guiding Principles on Internal Displacement (1998)*** recognize that education is a right of every human being and calls upon states to ensure that all internally displaced persons, whether or not living in camps, in particular displaced children, receive free and compulsory education at the primary level, respecting their cultural identity, language and religion. States are asked to ensure the full and equal participation of women and girls (Principle 23).

OUTCOME DOCUMENTS OF UN CONFERENCES

The ***UN Sustainable Development Goals (2015)*** aim to ensure that all girls and boys complete free, equitable and quality primary and secondary education; have access to quality early childhood care and pre-primary education; and substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship by 2030 (Goal 4 on Education); and specifically achieve universal health coverage, including financial risk protection, access to quality essential health care services and access to safe, effective, quality and affordable essential medicines and vaccines for all (Goal 3 on Health), as well as end all forms of malnutrition (Goal 2).

Through Commitment 59 within the ***New York Declaration for Refugees and Migrants (2016)*** , Member States reaffirmed their *"…commitment to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, and to provide access to basic health, education and psychosocial services, ensuring that the best interests of the child is a primary consideration in all relevant policies…"* Member States committed themselves to prioritizing their budget allocation to facilitate this effort (Commitment 32) in order to ensure that quality education would take place in a safe learning environment for all refugee children within a few months of arrival. The declaration also recognizes that access to quality education in times of conflict and crisis can be a *"…fundamental protection to children and youth in displacement context..."* (Commitment 81) and that *"…higher education [can] serve as a powerful driver for change, shelters and protects a critical group of young men and women by maintaining their hopes for the future, fosters inclusion and non-discrimination…"* Particular attention shall also be given to early childhood education, tertiary education, skills training and vocational training (Commitment 82) as well as to make sure that labour standards are applied for all migrant workers and employment opportunities are created for young people (Commitment 57).

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Promote measures to combat xenophobia, discrimination and marginalization in countries of transit and destination

INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

The ***UN Convention on the Rights of the Child (1989):*** Article 2 of the CRC (Requires States Parties to extend and enforce the rights it provides to all children, without discrimination based on the child's or his or her parents' nationality, ethnic or social origin, birth or other status. Specifically addressing the question of non-discrimination in respect of indigenous children, the Committee calls for the elimination of discriminatory attitudes and practices through the implementation of public information and educational measures (Committee on the Rights of the Child, general comment No. 11 (2009) on indigenous children and their rights under the Convention, paragraphs 27 and 29).

The ***International Convention on the Elimination of All Forms of Racial Discrimination (1963)*** calls upon states to take measures to eliminate all forms of racism, racial discrimination and other forms of intolerance faced by both minority and in some cases even majority populations and defines racial discrimination as *"…any distinction, exclusion, restriction, or preference based on race, colour, descent or national or ethnic origin with the purpose or effect of… impairing the enjoyment on equal footing of human rights and fundamental freedoms…"* The Committee on the Elimination of Racial Discrimination further condemns in its General Comment 35 hate speeches on the grounds of race, colour, descent, or national or ethnic origin as well as against vulnerable groups such as immigrants or non-citizens, including migrant domestic workers, refugees and asylum seekers. In its General Comment 30, the Committee recognized that the situation of "...migrants, refugees and asylum-seekers [is] also of concern…" as they are also the object of contemporary forms of racism.

INTERNATIONAL PRINCIPLES AND GUIDELINES

The ***Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements (Global Migration Group) (2016)*** strongly condemn "…all acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes applied to them, including on the basis of religion or belief, and other intersecting forms of discrimination including age and gender." (Principle 2, Guidelines 2). Furthermore, supporting locally rooted campaigns and storytelling methods are highlighted as an effective tool to target the general public; build empathy and solidarity and combat prejudices, stigma and exclusion of migrants (Principle 2, Guidelines 4).

OUTCOME DOCUMENTS OF UN CONFERENCES

The ***New York Declaration for Refugees and Migrants (2016)*** strongly condemns xenophobia against refugees and migrants and supports a global campaign to counter it. Member States are reminded that *"… demonizing refugees or migrants offends profoundly against the values of dignity and equality for every human being, to which we have committed ourselves…"* Member States strongly condemn all acts of *"…racism, racial discrimination, xenophobia and related intolerance against refugees and migrants..."* and commit themselves to taking measures to combat all forms of xenophobia, racism and discrimination against refugees and migrants, and to improve the integration and inclusion of refugees and migrants into society, particularly with regard to access to quality services. The global campaign proposed by the Secretary-General to counter xenophobia is also referred to as a way to emphasize the positive contributions made by refugees and migrants to the host country, as well as to highlight the common humanity of all peoples.

The ***World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 (The Durban Declaration and Plan of Action)*** noted with concern ongoing xenophobia and related intolerance and recognized that xenophobia, racism and racial discrimination among other factors, can be push factors for forced displacement and the movement of people from their countries of origin to other countries. Xenophobia particularly against *"…migrants, refugees and asylum-seekers,constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices…"* The World Conference also regrets that certain media promote false images and negative stereotypes about migrants and refugees which contribute *"…to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups…*" Furthermore, the World Conference calls upon states to protect refugees and IDPs from violence and to develop strategies in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in order to address all types of discrimination and to ensure that refugees can also enjoy their human rights in the host country. States are also urged to invest in strengthening their training and awareness-raising activities on human rights for *"…immigration officials, border police and staff of detention centres and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, refugees and asylum-seekers, in order to prevent acts of racial discrimination and xenophobia and to avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance…"*

ANNEX 2
Monitoring and measuring

EXAMPLE SITAN QUESTIONS

Depending on the country context and the priority focus, the following sample questions may guide the initial SitAn for children on the move, in addition to the UNICEF Guidelines on conducting a SitAn, including the process of involving national stakeholders and informing policy debates.[39]

Overarching questions:

- What is the overall profile of 'children on the move' in your country? (age group, gender, nationality, ethnicity and cultural background etc.)
- Who are the most vulnerable children among children on the move in your country context? (Those forcibly displaced within the country or are refugees from other countries, internal or international migrant children, those living undocumented, UASC, children below 12 years of age, adolescents etc.)
- Review the applicable migration governance framework, including the applicable human rights frameworks and their implementation. (GMG 2016)[40]
- What international and domestic rights do migrants, refugees, IDPs, returnees hold and how are these rights implemented?[41]
- What legal, regular and institutional frameworks are in place for asylum systems, refugee status determination, and the rights and status of refugees?[42]
- What domestic bodies are tasked with monitoring human rights and does the mandate include migrants and refugees? Are there any gender-sensitive mechanisms to make complaints about human rights violations of migrants?[43]

Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence

- Which regular and safe migration channels are open for children and their families? Which other channels are commonly used and what are the dangers commonly associated with these?
- Does the country participate in resettlement programmes (as sending or receiving state), and how many children and families benefit from these? For receiving countries, which institutions are tasked with determining resettlement numbers and conditions?
- What are available prevention and response services available to children on the move? Who are the providers and

39. UNICEF, 2012, Guidance on Conducting a Situation Analysis of Children's and Women's Rights, at http://www.unicefinemergencies.com/downloads/eresource/docs/Rights%20based%20equity%20focused%20Situation%20Analysis%20guidance.pdf.
40. Global Migration Group, 2017, Guidance Note Integrating Migration and Displacement in United Nations Development Assistance Frameworks (UNDAFs), at http://www.globalmigrationgroup.org/system/files/GMG_Integrating_Migration_and_Displacement_into_UNDAFs_Guidance_Note_2017.pdf
41. ibid
42. ibid
43. ibid

what is their sustainability? What are the gaps?

- What legal assistance and access to information do children on the move benefit from?
- To what extent are the decisions of authorities on long-term care and the status for children on the move based on evidence and a child's best interests?

End the detention of children seeking refugee status or migrating

- To what extent are children on the move detained for immigration control purposes? What are the conditions and are these being monitored by an independent monitoring body?
- What type of ATDs are in place and to what extent are these available to children detained for immigration control purposes? What are the barriers to placing all children in ATDs who are currently in immigration detention?
- What is the general population's awareness about children being detained for immigration control purposes?
- Who are the actors at the regional, national and local levels who could support campaigns against child immigration detention or be involved in providing ATDs?

Keep families together as the best way to protect children and give children legal status

- What are the common causes for and patterns of family separation for children on the move?
- Which mechanisms are in place to identify, monitor and provide alternative care to unaccompanied and separated children on the move?
- To what extent do children on the move have access to birth registration, and what are the barriers to accessing birth registration?
- How significant is the issue of childhood statelessness? Are legal safeguards in place to prevent childhood statelessness? What are the existing gaps?

All refugee and migrant children keep learning and have access to health and other quality services

- Are displaced populations, migrants, IDPs and returnees included in local or national development plans?[44]
- Does the country host large refugee populations? Are refugees integrated in national services, schools and the local economy? Do they fully enjoy economic and social rights?[45]
- Are there particular subgroups of children on the move (by country of origin, whether forcibly displaced or not, current location, unaccompanied or with family, or other factors) who are less likely to access services than others? What are the barriers?

44. ibid
45. ibid

- What kind of financial, social, legal and information barriers do children on the move and their families face in accessing services?
- Is there a firewall established between service providers and immigration authorities, e.g., are service providers exempt from any duty to report on immigration status?

Promote measures to combat xenophobia,discrimination and marginalization in countries of transit and destination.

- What is the general perception of migration and of migrants, refugees, returnees, and IDPs in the country? Is there any instrument in place to monitor perceptions about migration and minorities, discrimination, xenophobia or violence against migrants and other groups?[46]
- How are children on the move framed in media coverage?
- What opportunities do children on the move have to interact with children of their host communities? What are the barriers and gaps?

FURTHER RESOURCES:

- Global Migration Group (GMG) 2016
- Summary Note: Integrating Migration and Displacement into United Nations Development Assistance Frameworks[47]

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EXAMPLES OF MONITORING OUTCOMES AND OUTPUT INDICATORS

The following is a menu of example outcome and output indicators which are aligned with the Theories of Change. They can be used as a guide to help formulate the indicators that will be used to measure progress of the programmatic interventions which are prioritized at country level.

At country level, or between points of origin and destination if this includes two or more countries, it is recommended that strategy papers are developed following UNICEF's guidelines which will include a results framework. The framework will detail outcomes to which UNICEF will contribute, and outputs which UNICEF and close partners will be directly responsible for delivering. Risks that might mitigate against outputs being achieved and assumptions that, if disregarded, will also result in outputs being missed will be noted. Annual work plans will include annual targets, with progress towards them being monitored mid-year and at the end of the year.

46. ibid
47. http://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/summary-note--integrating-migration-and-displacement-into-united.html

Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence

Outcome indicator	Baseline	Outcome target	Means of verification	Frequency of collection	Notes
% increase in boys and girls accessing safe, orderly and regular migration channels	UNICEF 2017 Safer passages Report	tbc			
% increase in UNHCR-registered refugee boys and girls accessing resettlement programmes			UNHCR annual resettlement report	annually	
% of children on the move with access to prevention and response services throughout their journey		100%			
% of decisions for long-term care/status of children on the move taken by authorities based on evidence and the child's best interests		100%			The authorities have considered the child's best interests and have access to child-friendly country of origin information
# UNICEF interventions advocating for increased options for diversified migrant channels, increased options for resettlement and durable solutions for IDPs and refugees					This includes engaging national authorities and public statements to the media or at national and international forums
# of children on the move reached by evidence based information on safe migration/asylum information					
Technical support to migration law enforcement officials on child-friendly procedures provided		YES			This includes child-friendly age assessment in place (YES)
# of children on the move accessing multi-service safe spaces					
% of identified child protection cases provided with quality child protection case management		100%			
% of registered unaccompanied children on the move in appropriate					This is the standard of the Inter-Agency Child Protection
and protective care arrangements		100%			Minimum standards
% of children on the move subject to immigration/asylum procedures with access to information and legal assistance		100%			

End the detention of children seeking refugee status or migrating

Data collection on child immigration detention is often a challenge: Many countries are not comfortable about sharing data on the scale of immigration detention in their jurisdiction, or do not provide age disagreed data. One key area of technical support and advocacy for UNICEF is in increasing availability and transparency of data on this issue.

Outcome indicator	Baseline	Outcome target	Means of verification	Frequency of collection	Notes
% decrease in children on the move detained for immigration control purposes		100%			
Child Immigration Detention is outlawed in national legislation		YES			
% of affected children for whom ATDs are applied		100%			This means that 0% of affected children should be in immigration detention
% of the population is against children being detained for immigration control purposes		YES			
% of immigration officials understand Best Interests Determination and ATDs		100%			
Existence of or expansion of functional ATDs and Guardianship systems in line with international standards		YES			
% increase in state funding to support ATDs and associated social welfare programmes					

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Keep families together as the best way to protect children and give children legal status

Outcome indicator	Baseline	Outcome target	Means of verification	Frequency of collection	Notes
# of children on the move separated during flight		0%			
For those separated, average amount of time unaccompanied		Target to be set in numbers of days	Interview		
% of children on the move registered for tracing that have been reunified and stayed with their family for more than six months		90%			This is the standard of the Inter-Agency Child Protection Minimum Standards
% of children on the move with birth registration certificates		100%			
% of families, service providers and authorities in displacement-prone areas that can identify three measures to prevent family separation		100%			Displacement-prone area to be defined according to country context
Mechanism in place for registration and receiving information and for active tracing of immediate family members and relatives		YES			This is the standard of the Inter-Agency Child Protection Minimum Standards
Immigration authorities are systematically consulting with and exchanging information with child protection authorities within and across borders		YES			A communication and information exchange system in place (YES) Child protection authorities are involved in every decision by immigration authorities (YES)
Legal loopholes allowing childhood statelessness at national level are addressed		YES			
% of children on the move and/or their families report legal barriers to accessing civil registration or acquiring documentation		0%			
% of children on the move and/or their families report social barriers to accessing civil registration or acquiring documentation		0%			
% of children on the move and/or their families report information barriers accessing civil registration or acquiring documentation		0%			
% of children on the move and/or their families report financial barriers to accessing civil registration or acquiring documentation		0%			

All refugee and migrant children keep learning and have access to health and other quality services

Many of the indicators needed to measure progress towards the fulfilment of Policy Ask 3 are integrated into the humanitarian architecture and reflected in humanitarian guidance documents, with the primary reference being the UNICEF's CCCs.

Outcome indicator	Baseline	Outcome target	Means of verification	Frequency of collection	Notes
% of boys and girls, independent of location, migration and citizenship status with access to quality services		100%	SDG reporting	Along with SDG monitoring	In line with the SDGs
% of children on the move and their families who know about accessing quality services		100%	Survey		
% of children on the move and/or their families who identify financial barriers to accessing services		0%	Survey		
% of children on the move and/or their families who identify social barriers to accessing services		0%	Survey		
% of children on the move and/or their families who identify legal barriers to accessing services		0%	Survey		
% increase in state funding allocated to support the inclusion of children on the move in national service provision		YES			Based on public spending analysis
% of children on the move where public service provision is disrupted and UNICEF acts as provider of last resort, are accessing services directly provided by UNICEF and partners		100%			
Establishment of firewalls between service providers and immigration authorities		YES	Legal provisions in place		
Children on the move are included in national social protection programmes		YES	Legal provisions in place		

Promote measures to combat xenophobia, discrimination and marginalization in countries of transit and destination

- Data is a key challenge and proxy indicators may need to be developed. Utilize, adapt or develop a locally agreed definition of xenophobia and a key focal point for incidence and other data collation.
- Collate data of hate crimes or police statistics of xenophobic attacks to the extent available and/or capture gaps in service provision to excluded groups. Increased documentation and/or prosecution rates may perversely indicate an increase in xenophobia rates while actually reflecting increased action to address it.
- Monitor media coverage (news, social media and other platforms), narratives and framing of xenophobia, migration and non-discrimination.
- Regular and repeated longitudinal attitudinal surveys should support the monitoring and capturing of change in social norms and attitudes around xenophobia and inform interventions among key cohorts and groups.

Outcome indicator	Baseline	Outcome target	Means of verification	Frequency of collection	Notes
# anti-xenophobic statements by leaders and % increase compared with prior to UNICEF engagement					
% children on the move reporting a decrease in discrimination and exclusion			Representative sampling		
Information channels which reach previously unreached segments of the population identified		YES			
# of national and local initiatives, campaigns and activities aimed at increasing public support for children on the move (or # of people reached)					
# of boys and girls participating in shared education and sport initiatives to further the exchange and trust between discriminated groups and host communities					
# of social media forums and discussions that positively frame migration and refugee issues					

ANNEX 3
Resources

Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence

- Child Protection Minimum Standards, as well as other humanitarian and non-humanitarian child protection standards.
- OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, 2014, at http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf.
- ILO, UNICEF and UNGIFT, 2009, 'Training manual to fight trafficking in children for labour, sexual and other forms of exploitation', at https://www.unicef.org/protection/Facilitator_guide.pdf.
- UNICEF, 2006, 'Guidelines on the protection of child victims of trafficking', at https://www.unicef.org/protection/Unicef_Victims_Guidelines_en.pdf
- Inter-Agency Coordination Group on Trafficking (ICAT), 2016, 'A Toolkit for guidance in designing and evaluating counter-trafficking programmes – Harnessing accumulated knowledge to respond to trafficking in persons', at http://icat.network/sites/default/files/publications/documents/16-10273_ICAT_toolkit.pdf.

End the detention of children seeking refugee status or migrating

- International Detention Coalition, 2012, 'Captured Childhood', voices of children who have gone through immigration detention, a useful advocacy document, available at http://idcoalition.org/publication/captured-childhood/.
- UNICEF, 2011, 'Administrative Detention of Children: a Global Report', provides an overview of types of immigration detention and case studies, available at https://www.unicef.org/protection/Administrative_detention_discussion_paper_April2011.pdf.
- UNHCR, 2012, 'Detention Guidelines – Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention', available at http://www.unhcr.org/505b10ee9.html.
- International Detention Coalition, 2015, 'There are Alternatives', document that describes a range of models of ATDs for children and families, at http://idcoalition.org/publication/there-are-alternatives-revised-edition/.
- *UN Global Study on Children Deprived of Liberty* (Forthcoming in 2017/18)

Keep families together as the best way to protect children and give children legal status

A. On Family Unity

- 'Inter-Agency Guiding Principles on Unaccompanied and Separated Children', at https://www.unicef.org/protection/IAG_UASCs.pdf.
- 'Minimum Standards for children in humanitarian action', at https://www.unicef.org/iran/Minimum_standards_for_child_protection_in_humanitarian_action.pdf.

B. On Legal Identity and Civic Registration and Vital Statistics Systems

- UNHCR, 2013, 'Global Action Plan to End Statelessness 2014-2024', available at http://www.unhcr.org/54621bf49.html.
- UNHCR, 'Ensuring the right of all children to acquire a nationality: Connecting the Dots between the Convention on the Rights of the Child and the Convention on the Reduction of Statelessness'
- UNICEF, 2013, 'Passport to Protection: A guide to birth registration programming'.
- United Nations, 2011, 'Guidance Note of the Secretary-General: The United Nations and Statelessness'

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- UNICEF Core Commitments for Children in Humanitarian Action, available at https://www.unicef.org/publications/files/CCC_042010.pdf.
- Child Protection Minimum Standards, available at https://www.unicef.org/iran/Minimum_standards_for_child_protection_in_humanitarian_action.pdf.
- 'Education in Emergencies', available at https://www.unicef.org/violencestudy/pdf/min_standards_education_emergencies.pdf https://www.unicef.org/rosa/Rosa-Education_in_Emergencies_ToolKit.pdf.

Press for action on the underlying causes of large scale movements of refugees and migrants

- UNICEF, 'Behaviour Change Communication in Emergencies: A Toolkit', available at https://www.unicef.org/cbsc/files/BCC_Emergencies_full.pdf
- 'UNICEF Cause Framework on Migration' (draft).
- Platform for International Cooperation on Undocumented Migrants (PICUM), 2014, 'A Teachers Guide: How to use UNDOCUMENTARY in the Classroom', available at http://picum.org/Documents/Publi/2014/Educational_guide_EN.pdf A tool for educating students about the daily lives of undocumented migrants and related issues such as human rights, migration, social studies, civic education and current affairs.

DOCUMENT MANAGEMENT INFORMATION PAGE

Document Title	UNICEF's Global Programme Framework on Children on the Move
Document Number	PD/Guidance/2017/002
Effective Date	15/11/2017
Mandatory Review Date	15/11/2021
Responsible Business Owner	Programme Division
Responsible Manager	Susana Sottoli
Document Summary	The Global Framework for Children on the Move builds on existing UNICEF programming on migration, and adjusts it to cover identified gaps, increase coherence and establish priorities and guiding principles in support of country and regional offices and National Committees, as well as to give guidance to UNICEF's work on global migration. Specifically, the Framework provides: Overall guidance on the relevant normative framework for each of the core policy asks; A Theory of Change for each policy ask, including key programme interventions to practically implement the policy asks; and Recommendations on monitoring and measuring the proposed interventions. The Framework addresses the situation of all boys and girls affected by migration and displacement, namely: Children who are migrating within their own country or across borders; Children migrating on their own or with their caretakers; Children forcibly displaced within their own country and across borders; Children moving in a documented or undocumented manner, including those whose movement involves smuggling or trafficking networks.
Regulatory content the Document Replaces	N/A
Topics Covered	Migration, displacement, core policy asks, theory of change, programme guidance
Corporate Risk Area	

Reference/Links to Enabling Legislation and Background	N/A
Links to Relevant Policy	N/A
Links to Relevant Procedure	N/A
Links to Relevant Guidance	N/A
Links to Relevant Training Materials	N/A
Links to Other Knowledge & Information Resources	Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation. UNICEF. 2017: https://www.unicef.org/publications/index_100621.html Uprooted: The growing crisis for refugee and migrant children. UNICEF. 2016: https://www.unicef.org/publications/index_92710.html

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