

ICMC Report for OCHCR on Protecting the Rights of the Child in Humanitarian Situations – Human Rights Council Resolution 34/16

The International Catholic Migration Commission is pleased to contribute to the forthcoming OHCHR Report on protecting the rights of the child in humanitarian situations –Human Rights Council resolution 34/16. Given the urgency for responses from the entire international community and the ongoing progress on the two Global Compacts, a resolution on this topic seems timely. The following report presents examples of ongoing ICMC activities that aim to protect children’s rights and preserve their dignity in humanitarian situations, especially in the context of migration. In its approach, ICMC considers the unaccompanied minor’s multiple, concomitant needs and implements practices providing multi-dimensional care addressing interlinked factors. In certain operations, ICMC partners with UNHCR as well with its member organizations and other partners, for example, in Greece and Central America.

I. Challenges for unaccompanied minors: Right to Protection

1. In several different countries worldwide, especially in Africa, ICMC protects the rights of the child in partnership with UNHCR by providing protection for unaccompanied children fleeing conflict and violence.

Through the ICMC-UNHCR Deployment Scheme, ICMC staff members on the ground perform Best Interest Assessments for unaccompanied refugee minors to formulate the most appropriate plan for the child’s future.¹ For almost 20 years, ICMC has managed the “Resettlement Deployment Scheme”, a pool of resettlement and child protection specialists who possess additional expertise in other related domains such as refugee status determinations and sexual and gender based violence.² The majority of them are deployed to UNHCR’s field offices as resettlement specialists. ICMC experts assess the needs of refugee children and ensure that all actions taken are in the child’s best interest. ICMC’s experts also provide training to UNHCR’s field staff, as well as to national and international partners, and contribute to further developing procedures and best practices on resettlement and child protection.³

2. ICMC protects the rights of the child by addressing the needs of unaccompanied, refugee children for shelter, medical care, information on legal and administrative rights and social interaction in partnership with ICMC partner organization, Praksis on the island of Kos, Greece.

Through December 2016, ICMC supported the transit shelter of one of its partner organizations, Praksis, where assistance is provided to unaccompanied children fleeing conflicts and other difficult situations.⁴ Praksis is a non-governmental organization which provides humanitarian assistance in Greece through a wide range of services including safe accommodation, psychological support, free-of-charge medical care and recreational activities to individuals at risk.⁵ ICMC helped to underwrite the cost of hosting young boys aged 12-17 coming primarily from Syria, Pakistan and Afghanistan. In addition to providing emergency accommodation, the shelter delivered psychological support services to refugee children as well as administrative and legal advice on family reunification, asylum in Greece, or relocation to other European countries. In addition, ICMC funded recreational activities for the refugee children –excursions, art classes, football training, and group discussions on Greek culture – and ensured they were granted access to medical care whenever it could not otherwise be provided by the public health system or volunteer doctors.⁶

¹ ICMC Annual Report 2016, p. 16.

² Ibid.

³ <https://www.icmc.net/programs/deploying-resettlement-experts-worldwide>

⁴ ICMC Annual Report 2016, p. 11.

⁵ <https://www.icmc.net/programs/supporting-the-transit-shelter-for-unaccompanied-minors-in-kos-island-greece>

⁶ Caritas Internationalis, Caritas in Veritate Foundation, Holy See, ICMC and the Order of Malta, *Unaccompanied Children on the Move: Preserving their Dignity and Rights*, January 9, 2017, p.15.

3. ICMC aims to guarantee the right of the child to participate and be heard and to protect the rights of the child in two specific ways by providing 1) psychological support and 2) accompaniment and migration regularization for the unaccompanied minors transiting through Mexico. These practices are meant to reduce the situation of vulnerability for the child and provide multi-dimensional care.

ICMC is active in on-the-ground projects in Honduras and Mexico; for example, it provides support to a transit shelter for minors and their families in Mexico as well as support for comprehensive accompaniment to unaccompanied minors. The project aims to strengthen exchange of practice among Scalabrinian Sisters in Mexico in order to optimize interventions in favor of migrant children and adolescents in that country. The project has two specific objectives: first, to strengthen the physical and psychological integrity of children, adolescents and women hosted at the Madre Asunta Center through a comprehensive development program and secondly, in SMS (Scalabrinian Mission for Migrants and Refugees), to reduce the situation of vulnerability of children and adolescents in transit through Mexico. This is achieved through the integral accompaniment (legal, psychological and medical) and regularization of the migratory situation of children and adolescents who are victims of crime, and regularization of the migratory situation of migrant children and adolescents working in the garbage dump of Tapachula. Among other things, regular migration status facilitates their access to essential health care and education. This includes 50 children and adolescents working in the municipal garbage dump of Tapachula and 25 children and adolescent victims of crime in Mexico City. In the Madre Assunta Center, there are 700 adult people (99% women) and 400 migrant children and adolescents.⁷

4. ICMC protects the rights of the child through the accompaniment of children of returning migrant parents with disabilities in Honduras.

The Pastoral Service of Human Mobility/Missionary Sisters Association of San Carlos Borromeo Scalabrini, of the Conference of Catholic Bishops of Honduras has been supported by ICMC since 2016, with specific focus on the project *"Accompaniment of children of migrant parents with disabilities"*. This initiative benefits returning children whose migrant parents are living with disabilities; it has been implemented in the department of Francisco Morazán, Honduras, in the municipalities of Cedros, Vallecillos, San Ignacio, Guaniquillo, Porvenir and Talanga. The project was launched in response to a socio-economic study that identified children with the greatest need of support—and found enormous need among those whose parents had returned from migration journeys but also had been injured along the way, falling off the train, being hurt by smugglers and the like. The project organizes follow-up with one-on-one activities and training for the parents, mothers or others responsible for the children, with a psychological evaluation of each child to determine proper accompaniment. Project coordinator Sister Lydia Souza, explained the importance of parental guidance, since many have not been able to get over the accident during the migratory journey, – and were therefore not able to close the cycle. Many find themselves in a phase of grief and mourning; they feel victimized, and some tend to repress their memories and develop a chemical dependence. A significant focus of the project however, is oriented to both parents, to improve the development possibilities for the children. The project now serves 20 children (7-12 years old). One of the goals is for these children to graduate from primary school. In addition to the purchase and delivery of uniforms and school supplies, the project maintains a close relationship with the professionals of the educational centers where the children study, for proper monitoring and follow-up. The project has also sought the support of a network of psychologists to provide psychosocial care to children and their caregivers.⁸

II. Challenges for unaccompanied minors: Right to Education + psychological support for victims of Sexual and Gender-Based Violence (SGBV):

1. ICMC aims to guarantee the right of the child to participate and be heard and provide both children and their mothers access to education and psychological support for victims of trauma.

ICMC provides protection and support services to Syrians and Jordanians, especially women and children, through its Protection Center in Mafraq, an urban area in northern Jordan densely populated by refugees. The Center offers a range of free educational and awareness-raising activities, as well as psychosocial support for Syrian refugee women, young girls and children who experience difficult living conditions in Jordan. The ICMC Protection Center organizes literacy classes for women and girls who have not completed formal schooling. Focus group discussions allow them to share their feelings and problems and to better cope with trauma and anxiety, while also allowing social interaction among refugees, who would otherwise live in isolation. These sessions often include both Syrian and Jordanian participants, thus fostering cohesion between the two communities. While mothers participate in focus group discussions, children

⁷ Estrada Navarro, Karla, *Protect the Children! Boys and Girls Migrating Unaccompanied from El Salvador, Guatemala and Honduras, 2014-2017, ICMC Perspectives on Responses and Recommendations*, Research and analysis by Karla Estrada, ICMC Policy research, July 2017, pp.25-26.

⁸ *Ibid.*, p. 24.

can take part in recreational activities in the Child Friendly Space. The Space provides boys and girls up to 12 years of age with a safe environment to play, socialize, learn and express themselves, also allowing the parents to take part in the Center's activities without worrying about finding alternative childcare. In addition, ICMC seeks to promote the children's school attendance by disseminating information about local education services and by distributing school bags, notebooks, and stationary.⁹

2. ICMC aims to guarantee a child's right to participate and be heard and undertakes to protect the rights of the child by providing SGBV-traumatized children with access to psychological support and education at our centers in Pakistan.

At its Safe Shelter based in Pakistan for refugees who have undergone sexual or gender-based violence, ICMC has developed a Creative Children Education (CCE) curriculum. Major subjects like science, geography, math, and history are introduced with different tools like flash cards, innovative models, creative experiments, videos and documentaries. The children also are given assignments to bring out their creativity through model making, recycling, drawings, story-telling and diagrams of human anatomy and are encouraged to share their creative writing in which they express their thoughts in any language. They are learning English as a modern language with a focus on the functional knowledge of the language. They are taught to introduce themselves, to give basic descriptions of everyday lives and mannerism; it is mandatory for all students to speak English in class. Furthermore, the young children learn nursery rhymes with actions.¹⁰

3. ICMC aims to guarantee a child's right to participate and be heard and undertakes to protect the rights of the child by preventing and addressing sexual and gender based violence in Malaysia.

Since 2010, ICMC Malaysia has addressed and reduced the risk of sexual and gender based violence among Rohingya and other refugees, including children, in Malaysia and assisted survivors of such abuse and their families with their urgent and long-term needs. The program also provides refugees with emergency shelter, medical treatment, psychological care, counseling, transportation and interpretation services. The Refugee Women's Protection Corps (RWPC), a group of refugees trained by ICMC as volunteers to help members of their own community, provide counseling, interpretation and accompany victims of violence to services in the community. They also conduct awareness sessions on abuse for members of their communities as well as dedicated sessions for children and for teachers in schools and learning centers for refugees. ICMC distributes brochures that are specially designed for illiterate Rohingya refugees, thus offering important information on sexual and gender based violence in a more accessible way. To better reach out to different refugees, the brochures were translated in Arabic (as ICMC's Malaysia staff assisted refugees from the Middle East for the first time) and in the Rohingya language; they were also recorded on MP3 players and distributed to those unable to read.¹¹ Being members of the same ethnic communities, volunteers are better able to approach vulnerable women and children requiring assistance and identify specific needs. The project is aimed at reducing the risk of sexual or gender-based violence among refugee women and children in Kuala Lumpur, the Klang Valley and Penang, as well as addressing its consequences. As part of the program, ICMC funds community-based organizations - including two support centers for Rohingya women - to carry out different activities focused on raising awareness on sexual or gender-based violence.¹² In 2016, for example, 45 survivors of violence and 69 children were offered temporary shelter through ICMC; 4,400 vulnerable individuals (of which 4,090 were refugees, including children) in Kuala Lumpur, Klang Valley and Penang benefitted from ICMC's services.¹³

III. Challenges to the Right to Health and Hygiene

ICMC protects the rights of the child by providing health and hygiene education and tools for prevention against disease.

Expanding the scope of its activities at the Munda Camp in Charsadda District, Pakistan, ICMC initiated its Water, Sanitation and Hygiene (WASH) project in 2016. ICMC facilitated the construction and rehabilitation of the camp's drainage and sewage systems to improve access to safe drinking water and to avoid the spread of diseases. It conducted awareness sessions in various parts of the camp to help refugees understand the importance of good hygiene habits and actions. On Global Handwashing Day, ICMC Staff organized many activities in the Munda Refugee Camp with Afghan refugee children who learned about the importance of proper sanitation. Hygiene kits, brochures, calendars, and posters were distributed to the population with information about the best sanitation practices. ICMC also provided training to

⁹ <https://www.icmc.net/programs/protection-assistance-to-vulnerable-syrian-refugee-women-and-children-in-jordan>, dated 2017.

¹⁰ Vitillo, Robert J. Msgr., *The Right to Education for Migrant and Refugee Children: Too Often Denied or Ignored*, presented at the ICCB Congress, 7 June 7, 2017, Paris, France, p. 10.

¹¹ *ICMC Annual Report 2016*, p. 13.

¹² <https://www.icmc.net/programs/preventing-and-addressing-gender-based-violence-in-malaysia>, dated 2017.

¹³ *ICMC Annual Report 2016*, p. 13.

project staff, so that they, in turn, could teach children to avoid risky habits and empower the community representatives to monitor positive hygiene practices.¹⁴

IV. Conclusion: Recommendations. Based on the above-mentioned good practices, ICMC recommends:

A. Best interest assessments and no child detention: Regardless of migration status, a child's **best interest** must always be a primary consideration, taking priority over migration policies such as border control or enforcement.

1. Existing mechanisms that need more consistent implementation include operationalizing **the universal right of all children to best interest determinations in procedures that affect their rights**. Recognizing that they are not criminals but victims and vulnerable, we need to implement more consistently existing mechanisms that facilitate careful identification, differentiation and referral of such children for the assistance and specific protection to which they have rights.
2. Immediately expand **legal channels** that facilitate safe, orderly and regular movement or stay for those fleeing persecution and violence and members of their families to join them, including humanitarian corridors and temporary protected status where appropriate, and regularization programmes. These channels must respond to the specific needs and rights of refugee and migrant individuals, families, and children, acknowledge that family unity and family life are universally recognized rights, and recognize the family as the first place and protector of children.
 - **Family unity and family life:** Existing mechanisms to be implemented more consistently should include systematic work with unaccompanied migrant children by child protection authorities to trace and reconnect them with their families. Existing mechanisms that we need to implement more consistently together must:
 - **respond immediately, needs-first** to all migrants in vulnerable situations, taking forward without further delay paragraphs 51 and 52 of the *New York Declaration for Refugees and Migrants*;
 - create and strengthen collection of up-to-date **data** on the full number of children migrating, and also re-migrating, in order to identify both the real causes and their needs;
 - **coherently link each policy** used by the States with the reality of child migration to find concrete solutions in the short and medium term, including an evidence-based re-examination of approaches on return, readmission and reintegration, as called for in the recent *Sutherland Report*;
 - coordinate national and regional policies to achieve the goals and targets of the full global *2030 Agenda for Sustainable Development*;
 - reinforce the **consular network** in countries of transit and destination to ensure the comprehensive protection of the human rights of children in contexts of migration.

B. To address the causes of irregular movement of unaccompanied migrant children:

1. First and most importantly, **recognize and remedy the generalized violence** and other causes of displacement within and across countries, with durable and comprehensive solutions.
2. Implement the **2030 Agenda for Sustainable Development**, with particular focus on the right to remain, voluntarily, safely and with the hope of integral human development in one's country of origin, rather than to be forced to migrate, so that all migration will be undertaken by choice, rather than by necessity.

Meanwhile, to address the symptoms:

3. **Respond immediately, "needs-first"** to unaccompanied children and other migrants in vulnerable situations, followed by careful and consistent differentiation to respect specific rights and identify protection needs that correspond to both vulnerabilities and rights.
4. **Guarantee respect and implementation of rights** that already are defined under international human rights, refugee, labour and humanitarian law as well as at regional and national levels, with related training of all authorities that encounter migrants and refugees on the move, including specialized training and oversight for those engaging with children.

¹⁴ ICMC Annual Report 2016, p. 12.

5. **Review, assert and harmonize refugee protection within and across countries** for children and others fleeing targeted and generalized violence there.
6. Provide **spaces for migrant children who have been apprehended or involved in processes of return** to express their opinions, ideas and concerns. They are not victims but protagonists who must be cared for and listened to.
7. Establish **distinct child-welfare oriented systems** in countries or transit and destination for shelter, processing foster care or guardianship, and access to essential healthcare, education and justice for children who are unaccompanied or separated from family.
8. Empower child protection authorities to work systematically with unaccompanied migrant children to **trace and reconnect them with their families**, regardless of their migration status.
9. Implement the universal right of children on the move, as children, to **best interest determinations** in all procedures affecting their rights, especially and without exception regarding decisions on custody, penalty or return of the children.
10. Explore and adopt, without delay, **community-based and other alternatives to end detention of children** for reasons of their, or their parents', immigration status.
11. **Strengthen data** on the full number and circumstances of children migrating, apprehended, in custody, detention and return processes, and re-migrating in and from the region.
12. Integrate these recommendations with **concrete mechanisms in goals, targets and timelines for implementation in the two Global Compacts**.

V. Conclusion:

At the Human Rights Advisory Committee meeting on August 7, 2017, two HR Advisory Committee Experts as well as the Special Rapporteur on unaccompanied minors clearly stated that protecting the rights of unaccompanied minors fleeing conflict and violence is an issue requiring a response from entire international community and spanning both the Global Compact on Refugees and the Global Compact on Migration. The ICMC health, education and protection practices found herein reveal an approach that seeks to protect the rights of children on the move by providing multi-dimensional care responding to children's simultaneous, interconnected needs. Not only do children receive education training, but their mothers do, too. Child protection in migration settings means providing them with not only medical care but also valuable social interaction, psychological support and informing them of their administrative rights. Indeed, by providing examples of ICMC practices and proposed recommendations in this report, ICMC also hopes to make a positive contribution to OHCHR's report for the forthcoming Human Rights Council meeting on protecting the rights of children in humanitarian situations.