

ADDRESSING GAPS IN CHILD PROTECTION

10 Recommendations from the Field



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ICMC wishes to thank UNHCR for the financial support and the long-standing partnership in the joint effort to find durable solutions for refugees.

Foreword

Nearly fifty percent of the overall population of concern to UNHCR is composed of boys and girls under the age of 18, yet many children are unable to concretely access protection. The principle of the best interests of the child becomes in reality an elusive and abstract concept. As UNHCR states in its 2011 Field Handbook for the Implementation of UNHCR BID Guidelines, "The concept of the 'best interests of the child' seems straightforward, but applying it in real-life situations can be challenging because considerations are often competing or even contradictory."

In recognition of the challenges facing children in the field, UNHCR increased its child protection expertise through its long-standing partnership with ICMC 's Resettlement Deployment Scheme. As part of this effort, in 2011 ICMC deployed seven senior child experts to UNHCR field operations to support those offices in reinforcing child protection structures and practices. For example, the ICMC experts were involved in building the capacity of UNHCR and partners in areas such as identification, registration and documentation of unaccompanied and separated children; revising BID standard operating procedures; supervising BID activities; and ensuring that child protection was maximized by engaging the entire child protection system.

These ICMC child protection experts also identified a number of challenges which form the basis of this report along with ICMC's recommendations on how these concerns can best be addressed. This report thus aims to provide concrete and practical input into the on-going discussions on strengthening and prioritizing the protection of children.

We would like to thank the UNHCR supervisors and management who have welcomed the ICMC child protection experts. We look forward to continuing our collaborative efforts with UNHCR to address the challenges facing refugee and other children of concern. And last but not least, ICMC extends its warm thanks to its deployees who are working tirelessly to ensure that the best interests of the child become a reality.

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SUMMARY OF FINDINGS

In 2011, at the request of UNHCR, ICMC deployed seven child protection experts to field operations to address the needs for BIA/BID; this represented the highest number of BID experts that ICMC has deployed to date in one year. In addition to the important contributions that these child protection experts made in terms of preparing BIA/BID, there are a number of lessons learned and recommendations that arose from their collective experience in the field. This report aims to summarize these recommendations, contributing to the on-going discussions between UNHCR and NGOs on addressing gaps in child protection and strengthening BIA/BID capacity in field operations. As can be seen from the breakdown below, five of the BID experts were based in Africa, while one was deployed to Shousha camp in Tunisia during the emergency, and the other worked in Damak, Nepal.

1. Farchana, Chad (January – December)
2. Goz Beida/Maro, Chad (January – December)
3. Kassala, Sudan (July – December 2011)
4. Kampala, Uganda (August – December 2011)
5. Mbarara, Uganda (August – December 2011)
6. Damak, Nepal (August – December 2011)
7. Shousha, Tunisia (August-December)

In addition to the seven dedicated BID experts, many other deployees conducted BID and BIA assessments during the course of their work with UNHCR. At times, the “extra” BID duties were not identified in the deployees’ terms of reference, nevertheless, deployees in Cairo, Beirut, Dadaab, Shire, Dakar, Kigali, Mae Sot, and Islamabad worked on child protection issues, including making BIA/BID assessments. Below is a description of the most prevalent challenges encountered in child protection work in the field, along with recommendations on ways to move forward.

1. IMPROVING THE QUALITY OF REGISTRATION

In some field operations where ICMC BID experts work, the accuracy and quality of registration needs improvement. These experts report that registration data is often not detailed or accurate and that it is frequently outdated. For example, in Maro, Chad, the BID expert frequently needed to investigate and clarify refugee family composition, liaise with other colleagues, and await their action (rectification of bio-data, activation of deactivated family members) before she could finalize her casework. In Uganda, important BID/protection events were not entered into the proGres software, though the office will address this issue with the upcoming verification exercise for the urban refugee population which will enable the pro-active identification of children in need of special assistance.

In Kassala, Sudan the local NGO partner was tasked with recording basic registration data per child, however, the information that the partner recorded was entered in Arabic only and needed to be translated in order to be accessible to BID staff.

RECOMMENDATION N° 1

Accurate registration data is the starting point of any protection intervention. Without basic registration data, it is very difficult to identify the beneficiaries and their needs. To ensure that partners and/or registration clerks are properly registering key refugee data, UNHCR should invest resources in enhancing training on its registration software (proGres). Quality control checks of registration data should also be undertaken on a regular basis.

2. STRENGTHENING THE CAPACITY OF LOCAL PARTNERS

In some operations, the UNHCR local partner that is charged with child protection does not necessarily have expertise in this area. For instance, in Kassala, Sudan, the local partner working with unaccompanied minors and separated children has little training or actual work experience in BIA/BID related work. The BID deployee thus devotes considerable time to increasing this partner's knowledge and skills.

Given the frequent turnover of implementing partner staff, the BID deployee in Mbarara, Uganda (covering Nakivale settlement) also spent much time building the capacity of partners and providing BID training to them. In Uganda, deployees report that BID assessments are often of inadequate quality and need to be returned for major corrections. In Kenya, there is also a great need to focus on training BID workers as some local partners and local staff are not sufficiently qualified to do proper BID.

RECOMMENDATION N° 2

Child protection is a specialized field requiring specific expertise. Therefore, only partners who possess experience in child protection should be chosen to work on UAM and separated children issues. Existing national partners should receive regular support from UNHCR in strengthening their expertise and capacity to do BID/BIA. If an experienced local partner is not available, UNHCR can consider investing in a national staff BID focal point with clear terms of reference and focused on enhancing child protection expertise and capacity of both UNHCR and implementing partner staff; this will be essential to ensuring continuity in child protection services.

3. ENHANCING IDENTIFICATION AND REFERRAL SYSTEMS

Several ICMC BID experts expressed that there is insufficient identification of cases from UNHCR protection staff. In Maro, Chad for example, poor identification systems presented a challenge as did the lack of staff capacity to resolve issues in a timely manner, notably BIAs, social assessments, and registration. In the emergency Shousha camp operation in Tunisia, the defects in the identification and referral system of UAMs/separated children, as well as the lack of coordination between UNICEF and UNHCR resulted in the circulation of different lists of unaccompanied minors. This in turn delayed the submission of UAM cases for resettlement. UNHCR undertook a cross-checking exercise and ultimately developed a single comprehensive list.

In Kassala, Community Services staff are indirectly involved in BID work, referring cases from time to time; however, UNHCR currently lacks the staffing capacity to ensure that all minors who arrive in Eastern Sudan undergo an initial assessment, including registration and profiling, as a minimum within six months of their arrival.

RECOMMENDATION N° 3

To ensure that child protection is carried out in a meaningful manner, sufficient human resources must be provided to the protection and community services units in UNHCR offices. Often these units are under resourced and are struggling with a wide panoply of protection issues in the field. Failure to provide sufficient dedicated resources to child protection results in situations where many UAMs/separated children risk falling into a black hole for want of proper identification or referral.

4. EARLY DEPLOYMENT OF CHILD PROTECTION EXPERTS

In Shousha camp, the majority of the unaccompanied minors arrived in the camp in the middle of March but for a long period of time they did not benefit from any counseling on refugee status determination procedures, durable solutions, or the protection risks that they would incur if they opted for irregular migration. During the early stages of the emergency, UNICEF was the lead agency for child protection, psychosocial, educational, and recreational activities. Among the 250 unaccompanied minors registered by UNICEF, around 100 UAMS left the camp spontaneously or with the support of IOM. Once UNHCR had taken over the responsibility, reinforced by an ICMC BID specialist, protection and assistance provided to UAMS improved markedly. Given that many, if not most, of the children had fled situations of violence, there was a need for much more robust protection, including psychosocial support, education, and material support as well as the above-mentioned acute need for counseling and follow up.

Another complicating factor in Shousha was the shortage of staff to prepare BIDs. At the beginning of the emergency, the same staff person was doing BID, RRF and registration, without having proper expertise in child protection. As a result of limited capacity, in September 2011, around 135 unaccompanied children were registered by UNHCR while only 9 BIDs were completed. To address this backlog, UNHCR requested an ICMC BID expert in the camp; however, this request came only in August. ICMC rapidly deployed one of its BID experts to Shousha, but the time that this expert could devote to child protection activities was considerably reduced as the expert was also tasked with preparing RRFs. The increase in resources resulted nevertheless in more than 85 BID being processed between October 2011 and January 2012. After several months, however, UNHCR discovered that several UAMS identified by UNICEF were unaccounted for and could well have become victims of smugglers or traffickers.

RECOMMENDATION N° 4

Particular attention should be paid in emergency operations to the plight of children at risk, in particular unaccompanied and separated children, a highly vulnerable and exposed group. At least one dedicated BID expert should be embedded at an early date in emergency operations to ensure that children at risk, including unaccompanied and separated children are identified, registered, and counseled, that they receive a BID and/or BIA and that their cases are followed up and monitored. In addition to a BID expert, a child protection expert should be designated as the focal point on refugee children and coordinate the different partners and agencies involved in child protection activities.

5. PRIORITIZING UAMs/SEPARATED CHILDREN FOR REFUGEE STATUS DETERMINATION (RSD)

In Eastern Sudan, the RSD process for UAMs/separated children is theoretically an accelerated/fast track process undertaken by the government partner; however, in reality RSD for these minors is not accelerated, and there is a significant backlog of cases pending RSD, that would later need to have BID/BIA assessments. In this context, given the delay in RSD, and as those arriving in Eastern Sudan do not wish to remain there as they intend to seek work elsewhere, up to 90 % of the children disappear from the centre for minors. The problem is compounded by the Sudanese governmental partner finding that as children under 14 do not risk conscription, they have no basis for refugee status, thus rendering their legal status unclear.

In Shousha camp many cases of UAMS were also not channeled through accelerated RSD procedures though one year after the operation all UAMS (some 150) had their refugee status determined by UNHCR.

RECOMMENDATION N° 5

It is important to prioritize RSD of unaccompanied minors so that they can benefit at an early stage from UNHCR protection. Arguably, even those children who have not been recognized as refugees, but who find themselves in refugee-like situations, should be considered as persons of concern to UNHCR.

6. TIMELY ESTABLISHMENT OF BID PANEL

As indicated above, in Shousha, the submission of UAM/separated children for resettlement was delayed due to the lack of staff assigned to conduct BID. Further, the large backlog of minors needing BIDs and who were pending a decision by the BID panel also contributed to the delay in the submission of their cases, (the BID panel was eventually set up three months into the emergency, at the end of June). Up to that time however, there had been neither a BID process nor a BID panel in place for UAMs/separated children. The BID panel that was eventually established was composed of representatives from the Tunisian Ministry of Women Affairs, UNICEF, UNHCR, IOM and Save the Children and was led by UNHCR. As of March 2012, UNHCR had completed the BID process and resettlement submissions for all but seven of the UAMS remaining in the camp.

RECOMMENDATION N° 6

In situations where there is no BID panel, such as during an emergency, one must be set up at an early date. When there are large backlogs, the BID panel should meet more frequently to resolve the pending cases. It would also be very useful to develop, in coordination with partners, some common standard operating procedures on establishing a BID panel (who the members of the panel should be; how many cases they should review; follow up procedures, etc.)

7. IDENTIFICATION AND INFORMATION

In some operations, in particular in rural areas, refugees demonstrate a lack of understanding of the resettlement process. Understandably, they are often preoccupied by more immediate needs such as the search for food and clothing and do not necessarily appreciate the importance of appearing at their resettlement interviews. They may therefore miss their appointments and interviews have to be rescheduled, contributing to multiple interviews for one case or for one BID/BIA. These were some of the particular problems confronted by the ICMC BID expert in Maro, Chad where there were many “no shows.” Another issue encountered in Chad was that most women-at-risk cases could not be submitted due to child custody issues because fathers would object to the resettlement process. In this regard, it is important to train authorities on best interest determinations and involve them in custody issues.

Another obstacle to the identification of refugees in rural areas is the long distances to reach the camps. For example, in Kassala, due to the two hour drive from the UNHCR office to the camp, only two to three cases can be scheduled in one day. Conducting BID in an urban context such as Kampala is also daunting as locating refugees in a wide area of the city and procuring transportation to reach them is time consuming.

RECOMMENDATION N°7

With respect to refugee no-shows, well tailored information campaigns describing the resettlement process can be targeted to the refugee population, while not raising their expectations about this durable solution. Such targeted campaigns would be helpful in addressing misperceptions about resettlement harbored by some refugee groups. Regarding the lack of transportation which impedes the identification of refugees in urban areas, UNHCR field office budgets should factor in the cost of additional vehicles and drivers for UNHCR and its partners as needed to access refugee populations. Authorities should be involved in custody decisions and trained on the principle of best interests of the child.

8. INCREASING INTERPRETERS

Interpreters (in particular trained interpreters) are a scarce resource in many operations. This was the case in Chad, for example where upon arrival in Maro the deployee, who had been relocated from Eastern Chad at short notice, found that as there were no interpreters, the protection assistants were required to provide interpretation services during their busy schedules. There was also no interviewing space in the camp, forcing deployees to conduct interviews in the refugees' dwellings, in the heat, dust and open spaces which provided no privacy or confidentiality for the refugees. In Cairo, the lack of interpreters also posed significant challenges, while in Shousha all the interpreters were recruited from the refugee population which raised the possibility of increasing the risk of fraud.

RECOMMENDATION N° 8

UNHCR can invest further in recruiting and training interpreters on child specific interpretation. Partners can also identify and train interpreters to work with children, under the supervision of a BID expert.

9. REDUCING BID BACKLOGS

Several operations have significant backlogs of BID cases. In Kakuma, Kenya, deployees report that it can take up to one year for the implementing partner to process a BID; this clearly poses serious protection concerns. In Lilongwe (Malawi), many potential resettlement cases are also pending a BID. In Kampala, some of the BID cases have been pending for years and physical files have not been updated, making follow up difficult, though the office has taken measures to ensure that the BID/BIA panel now meets more regularly to deal with the backlog.

RECOMMENDATION N° 9

In operations where there is a backlog of BID cases, one or several BID experts should be dispatched to the UNHCR Field Office to follow up on the status of the pending cases and propose a course of action.

10. TIMELY PROCESSING OF BIDS CASES

Due to delays across the processing spectrum, UAMs/separated children who are submitted to resettlement countries may reach majority, aging out of targeted programs that have been developed to address their needs. Such aged-out minors subsequently have to be submitted under additional resettlement categories.

RECOMMENDATION N° 10

UAMs/separated children who are submitted for resettlement should be prioritized to avoid aging out during the time it takes UNHCR, Resettlement Supports Centers (RSC's), and States to process their cases. It would be worthwhile to compare the practices of different States in processing minors for resettlement and develop recommendations on best practices.

CONCLUSION

Given the great needs of unaccompanied and separated children, it is hoped that UNHCR will continue to devote the necessary resources to provide BID experts to field operations to assist in building local partner capacity, coordinating child protection activities, addressing the large backlogs, and setting up and developing standard operating procedures for the functioning of BID panels. NGO partners look forward to providing additional BID expertise to UNHCR operations as part of the collaborative effort to enhance child protection activities in the field.

The International Catholic Migration Commission serves and protects uprooted people: refugees, internally displaced persons and migrants, regardless of faith, race, ethnicity or nationality.

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