

UNHCR Input for the “Study on Care and Recovery”

By the Special Rapporteur on the sale of children, child prostitution and child pornography

I. Introduction

In response to the Special Rapporteur’s call for input for her study on care and recovery, this submission first provides a broad overview of UNHCR’s approach to child protection, particularly as it relates to the Special Rapporteur’s mandate. This approach is outlined in UNHCR’s organizational policies and in particular, in its guidelines and tools for prevention, identification, assistance and recovery for children affected by or at risk of sale, exploitation and other forms of violence.¹

The second segment of this submission addresses two specific situations where children of concern to UNHCR face particularly severe protection gaps in relation to sale, exploitation and violence – namely, in Egypt and in the Northern Triangle of Central America (NTCA). Regarding Egypt, the submission will outline both the nature of the protection gaps and the initiatives and programmes undertaken in response by UNHCR. Regarding the NTCA, the submission will describe the causes and scope of the problem, according to several recent studies conducted by UNHCR.

Finally, the submission concludes with generalizable recommendations that would improve the protection, care and recovery of child victims and children at risk who are of concern to UNHCR, which the Special Rapporteur may wish to consider including in her study.

II. Overview of UNHCR’s global approach to child protection, including for victims of sale and exploitation and children at risk

Policy framework

UNHCR notes that children of its concern (namely refugee, asylum-seeker, IDP, stateless and returnee children) may be at heightened risk of becoming victims of sale or exploitation because of the vulnerable and volatile situations they often face. Furthermore, children may find themselves in need of international protection as a result of being (or being at risk of becoming) victims of sale, trafficking or exploitation, since they may have a well-founded fear of persecution in their country of origin or, due to the situation they have experienced,

¹ See Section II below for links to a selection of these policy documents.

cannot return to their country of origin because their lives or physical integrity would be at risk.²

Guiding UNHCR's work with children of concern are the provisions of the *Convention on the Rights of the Child*, including the principle of the best interest of the child. UNHCR's overall approach to protecting children of its concern is laid out in the *Framework for the Protection of Children* (2012).³ This *Framework* emphasizes the primary responsibility of States to protect children and so UNHCR advocates for and supports States in ensuring non-discriminatory access to national child protection systems for all children of concern to UNHCR. Of particular relevance for the SR's study are Goal 1 ("Girls and boys are safe where they live, learn and play"), which aims to ensure that children are safeguarded from all forms of violence and exploitation, and Goal 5 ("Girls and boys with specific needs receive targeted support"), which highlights the need for identification of children at risk, access to best interest determination, family tracing and reunification, and care and assistance for children victims of violence or exploitation.

Protecting children from sexual exploitation, violence and abuse is the first Action Area under UNHCR's *Action against Sexual and Gender-Based Violence: An Updated Strategy 2011 – 2016*.⁴ The *Strategy* outlines key actions for prevention, identification and response and highlights that "low levels of participation by children in decision-making processes may further exacerbate the risks they face." Thus, UNHCR's emphasis on a community-based approach, including with children, as laid out in the *Manual on a Community Based Approach*,⁵ contributes to effective prevention, assistance and recovery programmes for children at risk and those exposed to exploitation and sale.

UNHCR strives both to ensure that all its programmes take into account the unique needs of individuals, in line with the *Age, Gender and Diversity Policy*⁶ and that specific programmes are developed to target the needs of children at risk. Under UNHCR's *2016 – 2017 Global Strategic Priorities*, Priority 3 addresses reducing specific protection risks faced by children. Impact indicators for this Priority include ensuring best interest determination processes for unaccompanied and separated children (UASC) and ensuring non-discriminatory access to national child protection and social services in refugee, IDP and returnee situations.

Tools for identification, assistance and prevention

When it comes to operationalizing the best interest of the child principle, UNHCR has developed the *Guidelines on Determining the Best Interests of the Child*.⁷ These *Guidelines* lay out procedures for best interest determination (BID) in situations where this is required,

² UNHCR Guidelines on International Protection No.7: "The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked", 7 April 2006, available at: <http://www.unhcr.org/443b626b2.html>.

³ UNHCR, *A Framework for the Protection of Children*, 26 June 2012, available at: <http://www.refworld.org/docid/4fe875682.html>.

⁴ UNHCR, *Action against Sexual and Gender-Based Violence: An Updated Strategy*, June 2011, available at: <http://www.refworld.org/docid/4e01ffeb2.html>.

⁵ UNHCR, *UNHCR Manual on a Community Based Approach in UNHCR Operations*, March 2008, available at: <http://www.refworld.org/docid/47da54722.html>.

⁶ UNHCR, *Age, Gender and Diversity Policy*, 8 June 2011, available at: <http://www.refworld.org/docid/4def34f6887.html>.

⁷ UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, available at: <http://www.refworld.org/docid/48480c342.html>.

namely when national systems cannot reasonably be made available or accessible in the context of:

- Identifying durable solutions for UASC;
- Determining the most appropriate temporary care arrangements in exceptional situations; and
- Possible separation of a child from parents against their will.

Another important tool for identifying protection concerns and solutions is *Listen and Learn: Participatory Assessments with Children and Adolescents*,⁸ which provides guidance for staff on working in partnership with children during consultation workshops. UNHCR has also developed the *Heightened Risk Identification Tool* (the *HRIT*),⁹ designed to enhance UNHCR's effectiveness in identifying refugees at risk by linking community-based/participatory assessments and individual assessment methodologies. The *HRIT* provides detailed instructions regarding risk indicators for staff conducting individual interviews with persons of concern, in order to identify UASC and classify the urgency of risks to their personal safety.

In particular related to UASC who may be at heightened risk of sale or exploitation, UNHCR has developed Child Protection Issue Briefs on Alternative Care and Community-based Child Protection Mechanisms in order to guide field operations. Regarding alternative care, UNHCR's policy is that the best interest of the child should guide alternative care arrangements and that residential or institutional care should always be a last resort. Family-based care or other forms of community care systems are preferable and alternative care should only be viewed as an interim measure pending family reunification wherever possible.¹⁰ UNHCR works to engage with and strengthen informal community-based mechanisms, as well as formal national child protection systems.¹¹

III. Specific situations where children of concern to UNHCR face protection gaps relating to sale, exploitation and violence

EGYPT

BACKGROUND INFORMATION

The Arab Republic of Egypt (hereinafter referred to as Egypt) is a party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter referred to as the *1951 Convention*) as well as to the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*. However, it has made several reservations to the *1951 Convention*, specifically to Articles 12(1) on Personal Status, 20 on Rationing, 22(1) on Primary Education, 23 on Public Relief and 24 on Labour Legislation and Social Security.

⁸ UNHCR, *Listen and Learn: Participatory Assessment with Children and Adolescents*, July 2012, available at: <http://www.refworld.org/docid/4fffe4af2.html>.

⁹ UNHCR, *The Heightened Risk Identification Tool*, June 2010, Second Edition, available at: <http://www.refworld.org/docid/4c46c6860.html>.

¹⁰ UNHCR, *Child protection Issue Brief: Alternative Care*, January 2014, available at: <http://www.refworld.org/docid/52f0e4f34.html>.

¹¹ UNHCR, *Child Protection Issue Brief: Community-based child protection mechanisms*, September 2013, available at: <http://www.refworld.org/docid/531ec54f4.html>.

Egypt is also a party to the *1989 Convention on the Rights of the Child*, the *1966 International Covenant on Civil and Political Rights*, the *1966 International Covenant on Economic, Social and Cultural Rights*, the *1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the *2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*.

Egypt has not yet developed domestic legal and institutional asylum procedures. Hence, the functional responsibilities for all aspects of registration, documentation and refugee status determination (RSD) in Egypt are conducted by UNHCR, carried out under the *1954 Memorandum of Understanding (MoU)* with the Government of Egypt. The *Law of Foreign Nationals No. 89 of 2005* only regulates the entry / stay of foreigners, including refugees and asylum-seekers. In 1996, Egypt enacted a comprehensive *Child Law* increasing the legal protection of children. This law was amended in 2008 to further strengthen the legal protection of children from violence, exploitation and abuse.¹²

Egypt remains both a transit and destination/asylum country for refugees and asylum-seekers from the East and Horn of Africa, Iraq, Sudan and Syria. As of 25 April 2015, UNHCR had registered 185,066 individuals.¹³ Refugees from Syria represent the highest number of those registered at 134,089, followed by Sudan (25,055), Somalia (6,524), Iraq (6,449), Ethiopia (4,784), South Sudan (3,066) and Eritrea (2,859).¹⁴ Of the total registered population, 59.3 per cent are children (38,998 males and 36,824 females). UNHCR Egypt operates in three locations, with two registration centres and offices in Cairo and one in Alexandria. All refugees in Egypt are in urban areas, with 143,450 residing in the three main centres of Cairo, Alexandria and Damietta.

PROTECTION GAPS FACING PERSONS OF CONCERN IN EGYPT

The protection of refugees and asylum-seekers in Egypt is affected by the legal, political and institutional environment and the increasingly difficult socio-economic conditions. Some main protection gaps relate to harassment and discrimination, limited economic opportunities and resulting negative coping mechanisms (such as child labour and irregular onward movement), and gaps in birth registration. Challenges in providing effective response to these gaps include isolation of persons of concern and poor service accessibility, as well as weak national child protection systems.

Harassment and discrimination

In 2014, and especially following the presidential elections in May 2014, Egypt attained increased political stabilization. However, gaps in the general protective environment remain a challenge. Refugees continue to report incidents related to harassment, physical violence, arbitrary and sometimes prolonged administrative detention and robberies. Refugees from sub-Saharan Africa report that they face particular discrimination and harassment in the

¹² Law No. 12 promulgating the Child Law amended by law no. 126 of 2008 – National Council for Childhood and Motherhood, available at:

<http://www.mfa.gov.eg/English/Ministry/TraffickinginPersons/RelatedDocuments/Pages/3062009ChildLaw.aspx>.

¹³ UNHCR Egypt statistics – 25 April 2015.

¹⁴ UNHCR Egypt statistics – 25 April 2015.

streets and in the workplace, and significant barriers to accessing services at hospitals, Government institutions and police stations. UNHCR supports refugees by providing legal assistance for such cases and by ensuring access to justice and fairness of legal procedures.

A participatory assessment carried out by UNHCR in February 2015 confirmed a number of protection concerns affecting refugees from all population groups in Egypt, including general fear for their security, lack of response from law enforcement and xenophobic attitudes. The same concerns were raised in the Interagency Joint Needs Assessment conducted in November 2013.

The refugee consultations also indicated that sexual harassment and assault of women and girls are some of the key protection concerns in the community. This is particularly noted on public transportation and in intimate partner relationships or family settings. A UN WOMEN report released in 2014 also found that 99 per cent of women and girls in Egypt in the 10 - 35 age bracket had experienced sexual harassment.¹⁵ While there is no restriction on freedom of movement for refugees in Egypt, women and girls in particular have reported that they self-impose restrictions as a coping mechanism to avoid violence and harm in public spaces, including on public transport.

Limited economic opportunities and negative coping mechanisms

Since 2013, the increase in prices of basic commodities, housing and transportation, along with inflation and limited employment opportunities, have had a significant negative impact. Insufficient humanitarian assistance for unaccompanied children (UAC) and lack of economic opportunities for refugee families sometimes leads children or their caregivers to make difficult choices to send a child to work. Child labour is an increasing trend in Egypt, particularly among the Syrian population.

Depletion of financial resources and limited employment opportunities have also contributed to the steady rise in Africans and Syrians departing Egypt irregularly by sea. UNHCR and partners recorded 3,065 arrests in 2014 for trying to leave the country in an irregular manner. All were provided with material assistance, including 616 children.

Gaps in birth registration

Birth registration for children born outside marriage or to an unknown father requires late registration procedures that are cumbersome and lengthy. This is a particular challenge if the mother is a survivor of rape or if the child is born out of an early marriage, as the legal age for marriage in Egypt is 18.

Challenges in response

Obstacles to providing an effective response to the abovementioned gaps include isolation of persons of concern and poor service accessibility, as well as weak national child protection systems. Unaccompanied children face particular challenges in terms of accessing services and building community support. The large urban centres challenge mobility, particularly for younger UAC and girls. These also have an impact on service accessibility and information delivery to isolated and marginalized refugee groups, particularly those with specific needs.

With regard to the national child protection system, the existing structures in place need to be strengthened, in particular with regard to access to specialized social services and services for

¹⁵ UN Women: *Study on Ways and Methods to Eliminate Sexual Harassment in Egypt* (2014).

persons with disabilities. The lack of formal alternative care arrangements is an ongoing challenge for children who are survivors of SGBV or other forms of abuse.

Identification of children at risk remains a challenge in dispersed urban settings and remote areas. The Child Protection Committees (CPC) at the governorate level are difficult to access for those living in remote areas, and they are in the process of being reformed. The new *Draft Decree on the Child Protection Committees*, adopted in December 2014, integrates refugees, following active advocacy by UNHCR, and is a very positive development.

RESPONSE: UNHCR PROGRAMMING FOR CHILDREN WITH SPECIFIC NEEDS IN EGYPT

Unaccompanied children (UAC) from African countries form one of the largest groups with protection concerns in Egypt. In 2014, UNHCR registered 1,032 UAC and 168 separated children. This marked an increase in UAC from 2013, when 653 were registered. By the end of 2014 the total caseload of UASC was 975 children.

Guiding policies, initiatives and strategies

Egypt is a pilot country for the implementation of the UNHCR Global Strategies on SGBV,¹⁶ Child Protection,¹⁷ Livelihoods¹⁸ and Education.¹⁹ Egypt is also an implementing country for the *Child Protection Regional Initiative - Protecting Children at Risk in Egypt, Ethiopia, Sudan and Yemen - Live, Learn & Play Safe: 2014-2016*,²⁰ aimed at improving the condition and well-being of refugee children in Egypt and other regional operations. As part of this regional project, UNHCR, together with partners, identifies and addresses the protection needs of UASC and victims of trafficking (VoTs), aiding their recovery and promoting children's rights through the provision of safe care, psychosocial support, educational and livelihood opportunities, legal assistance and identification of durable solutions.

As part of the implementation of the *Live, Learn and Play Safe Initiative* in 2014, UNHCR Egypt focused on improving the quality and coverage of best interests procedures. Children included as part of the *Initiative* were also considered for fast track refugee status determination (RSD) and assistance. Effective coordination was established with ICRC to engage in family tracing procedures.

As part of UNHCR's implementation of its *Strategy and Regional Plan of Action on Smuggling and Trafficking from the East and Horn of Africa*,²¹ UNHCR Egypt and IOM have jointly implemented the UNHCR-IOM *Developing Standards Operating Procedures to*

¹⁶ UNHCR, *Action against Sexual and Gender-Based Violence: An Updated Strategy*, June 2011, available at: <http://www.refworld.org/docid/4e01ffeb2.html>.

¹⁷ UNHCR, *A Framework for the Protection of Children*, 26 June 2012, available at: <http://www.refworld.org/docid/4fe875682.html>.

¹⁸ UNHCR, *Global Strategy for Livelihoods 2014 – 2018*, 2014, available at: <http://www.unhcr.org/530f107b6.html>.

¹⁹ UNHCR, *UNHCR Education Strategy, 2012-2016*, 28 February 2012, available at: <http://www.refworld.org/docid/4f4cd9812.html>.

²⁰ UNHCR, *UNHCR Child Protection Regional Initiative - Live, Learn & Play Safe 2014-2016*, 2014, available at: <http://www.refworld.org/docid/53bbc6314.html>.

²¹ See: UNHCR, *Smuggling and Trafficking from the East of Africa: Executive Summary*, March 2013, available at: <http://www.refworld.org/docid/51d175314.html>.

*Facilitate the Protection of Trafficked Persons*²² in Egypt since 2009. This includes joint monitoring; targeted support services for the most vulnerable asylum-seekers and refugees who are victims of trafficking; referrals; provision of humanitarian, psychological and social assistance/cash assistance; case management; and identification of durable solutions.

Programmes and community outreach

UNHCR, in collaboration with the Protection Working Group and the SGBV and Child Protection Sub Working Groups in Egypt strengthened coordination and joint programming activities in 2014. UNHCR's Implementing and Operational Partners included approximately 270 children, including SGBV survivors, VoTs and UASC in specific targeted programming consisting of: after-school education activities, tutoring, language classes, group psychosocial support and recreational activities focusing on building on capacities and increasing resilience.

Targeted outreach in collaboration with trained community child protection volunteers and advocates assist in sharing information on available services and also in mentoring and monitoring UASC. Community-based psychosocial support in Greater Cairo, Alexandria and Damietta continued to be an integral part of ensuring the protection of children at risk. UNHCR worked with protection partners to effectively identify sustainable living arrangements in the community or in shared living arrangements for UASC.

UNHCR coordinated the implementation of the pilot project 'Social Capoeira Initiative 2014' where 300 children and youth with specific needs, including SGBV survivors and VoTs, participated in an activity that combined psychosocial support with physical activity. Adolescents, including African UAC, benefited from recreational activities, and in particular 60 VoTs and 350 youths benefited from participation in therapeutic art programmes.

Another key SGBV prevention and identification activity organized by UNHCR for Syrian refugee children was the 'Sports Days for Change,' which reached approximately 935 children. The sports days included structured learning activities with opportunities for discussion on issues raised by children and were used as an entry point to discuss issues relating to SGBV. Syrian refugee community members, including 87 children, were engaged in general psychosocial group sessions focusing on coping with trauma and anger management. Approximately 627 Syrian children were included in age-appropriate awareness-raising sessions on child abuse and child sexual abuse and available services and 473 parents were also engaged.

With regard to education, UNHCR and partners worked to enhance the quality of education across the four educational pillars of: school, teacher, educational curriculum and student. This was achieved by providing trainings for teachers and language classes for non-Arabic speakers; printing textbooks; expanding safe learning environments for refugee students; and implementing non-formal educational activities to meet educational and social needs of students.

Increased child participation was sustained in 2014 through outreach activities and individual counseling and participatory approaches supporting the development of individual capacities

²² See: UNHCR and IOM, *Developing Standards Operating Procedures to Facilitate the Protection of Trafficked Persons*, December 2009, available at: <http://swigea56.hcrnet.ch/refworld/docid/4b5876442.html>.

and strengths. Save the Children initiated Child Protection African Committees that provided a forum for children to participate in community processes.

Implementing and Operational Partners provide a range of services and recreational activities to UASC from the African refugee communities including basketball for girls, football for youth in targeted areas, art workshops for children and families and community centre-based groups for boys and girls where they can share experiences and information. The established community centres in different locations across Greater Cairo continued to be used as locations to conduct outreach activities for women, men, boys and girls and as a venue to conduct group recreational and therapeutic activities.

As part of a strengthened survivor-centred and multi-sectoral SGBV response in 2014, UNHCR was able to identify and record reported SGBV cases and to implement a more consistent and comprehensive follow-up and referral. In 2014, 163 SGBV survivors were identified amongst African UASC. Among the Syrian population 16 child SGBV survivors were identified. All high-risk cases were provided with immediate multi-sectoral response services when consented to, including medical/health, legal, safety and psychosocial services as needed and case management. Specific legal assistance is provided to all persons of concern without birth documentation.

In 2014, 80 cases of VoTs were identified amongst the African UASC caseload. These children received multi-sectoral support including: psychosocial support, education and other forms of assistance.

With reference to SGBV prevention programming, community outreach activities to sensitize refugees on SGBV and available services and how to access such services reached approximately 4,990 individuals, mostly from the Syrian community and including children, through the distribution of materials at key locations.

RESULTS: GOOD PRACTICES AND REMAINING CHALLENGES

- Targeted programming for UASC under the regional *Live, Learn and Play Safe 2014 – 2016 Initiative* has proven beneficial in expanding and strengthening prevention, identification and response services for children, especially UASC.
- Identified good practices included the Capoeira Initiative, which engaged refugee youth and children in a social environment while learning a new skill.
- The methodologies used in the child abuse awareness-raising sessions, including Syrian children and their caregivers, were noted as a particular good practice with many caregivers noting the impact it had on their attitudes and behaviour toward their children.
- The unaccompanied youth bridging programmes were also found to be successful in addressing the needs of children requiring combined psychosocial support and educational development.
- Challenges will continue to include slow progress in the strengthening of the national child protection system.
- A further challenge includes the identification of new partners providing quality child protection services, in particular case management for children with specific needs.

THE NORTHERN TRIANGLE OF CENTRAL AMERICA

Description of the problem

Beginning in 2009, and more markedly since 2011, UNHCR has noted the trend of increasing numbers of UASC arriving to Mexico and the United States from El Salvador, Guatemala and Honduras (the Northern Triangle of Central America – NTCA), owing to multiple causes, among them the violence perpetrated by transnational organized criminal groups. The number of asylum applications from these three countries almost doubled in 2014 compared to 2013. According to the U.S. Customs and Border Protection agency, the number of UASC from El Salvador, Guatemala and Honduras apprehended was 3,933 in FY 2011; 10,146 in FY 2012; 20,805 in FY 2013; and 51,705 in FY 2014.²³

In order to assess the root causes behind the cross-border movements of these UASC, UNHCR undertook two studies²⁴ in which they interviewed 404 UASC from these countries in the United States and 272 in Mexico. The report *Children on the Run* focused on children arriving to the United States and *Uprooted* highlights the root causes of displacement for UASC arriving to Mexico. Among the conclusions of both these studies was that the displacement of these children is multi-causal. The *Children on the Run* report found that “no less than 58 per cent of the 404 children interviewed were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection.” According to the *Uprooted* report, 48.6 per cent of the 272 children interviewed identified violence as the main cause of their movement and therefore may be in need of international protection. In both studies, the harm feared involved violence by organized criminal actors, including forced recruitment into gangs or *Maras*, rape or sexual violence, as well as abuse and violence in the home.²⁵

Risks during flight, deportation and upon return

Despite these potential protection needs, many children face difficulties in accessing effective asylum procedures or are not granted international protection, and are deported back to their countries of origin from both Mexico and the United States.²⁶ UASC face significant risks of violence and exploitation *en route*, during their return journey and/or upon return to their country of origin, including SGBV.

Upon arrival to the country of origin, reception conditions are poor and no systematic best interest assessment is conducted, thus exposing children to further risks of sale, exploitation,

²³ See: <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>

²⁴ UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection*, 13 March 2014, available at: <http://www.refworld.org/docid/532180c24.html>; UNHCR, *Arrancados de Raiz: Causas que originan el desplazamiento transfronterizo de niños, niñas y adolescentes no acompañados y/o separados de Centroamérica y su necesidad de protección internacional*, 2014 [in Spanish], available at: <http://www.acnur.org/t3/donde-trabaja/americas/mexico/arrancados-de-raiz/>. (Or see *Uprooted: Executive Summary*, 2014, [in English] available at: http://www.acnur.org/t3/fileadmin/Documentos/Eventos/2014/Uprooted_One-pager.pdf?view=1.)

²⁵ For further information on the potential international protection needs of victims of organized gangs, see: UNHCR, *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*, March 2010, available at: <http://www.refworld.org/pdfid/4bb21fa02.pdf>.

²⁶ For further information on access to asylum procedures for UASC, see *Uprooted, Children on the Run*, and UNHCR’s UPR submission on the United States, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRUSUNContributionsS22.aspx>,

violence and forced recruitment upon arrival. The children and/or their families sometimes have outstanding debts with smugglers and/or traffickers and upon the return of the children, they and their families may be subjected to violence and threats regarding the payment of this outstanding debt, besides the causes that triggered the departure from their country of origin have not changed and they still face the risk of forced recruitment into the gangs or falling into the hands of traffickers.

Finally, the new regional action plan developed by States in Latin America and the Caribbean, with the support of UNHCR, in the framework of the commemorative “Cartagena+30” process includes child protection issues. The *Brazil Declaration and Plan of Action*,²⁷ adopted by the States on 3 December 2014, includes a regional programme *Solidarity with the Northern Triangle of Central America in Seeking and Implementing Durable Solutions* with a special emphasis on the protection of children. This document also recognizes the shared responsibility for their protection among the States of origin, transit and destination and for providing a differentiated response in view of their high degree of vulnerability. Some actions, such as the need to ensure the participation of children and ensure access to alternatives to detention, in particular for UASC, are highlighted in this document. The adoption of the *Brazil Declaration and Plan of Action* was preceded by a series of sub-regional consultations. The Mesoamerican sub-regional consultation²⁸ that took place in July 2014 in Managua, recommended the national implementation of the Regional Conference on Migration (RCM)’s *Regional Guidelines for the Preliminary Identification and Referral Mechanisms for Migrant Populations in Vulnerable Situations*, which are not binding and which have not yet been adopted at the national level. The *RCM Guidelines* provide guidance for officials working with migrants on how to identify individuals who may be at risk, including: those who are children, who show physical or mental health problems, who appear to be controlled or watched by the person accompanying them or who may require international protection.

Responses by UNHCR in close cooperation with other actors

In order to address the serious protection gaps facing UASC being returned to the NTCA, UNHCR has taken several actions, in addition to carrying out the different studies mentioned above and the commission of a series of studies on the situation of returnees to the NTCA.²⁹

As part of a Regional Initiative launched last year for 2014 - 2017, UNHCR is trying to enhance its response by working closely with Governments, the Central American Integration System (SICA), other UN agencies and civil society, with three programmes in the NTCA included in the *Brazil Plan of Action*. UNHCR will continue to focus on efforts to make borders and transit zones safer and more dignified: prevention responses for populations in vulnerable situations; strengthening national protection mechanisms; and improving the protection of unaccompanied children in border and transit areas – in line with best interest practices and non-discrimination and participation principles. In addition, UNHCR aims to set up protection and monitoring networks with civil society and Ombudsman offices;

²⁷ *Brazil Declaration and Plan of Action*, 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

²⁸ Mesoamerica Sub-regional Consultation: International Protection Challenges and Opportunities for a New Strategic Framework for Regional Cooperation, “Summary of Conclusions and Recommendations,” Managua, 10 – 11 July 2014, available at: <http://www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9778.pdf?view=1>.

²⁹ Caracterización de la Población Retornada Centroamericana con Necesidades de Protección, <http://www.acnur.org/t3/donde-trabaja/america/el-acnur-en-america-central-y-mexico/caracterizacion-de-la-poblacion-retornada-centroamericana-con-necesidades-de-proteccion/>.

support shelters in southern Mexico, Guatemala, Honduras and El Salvador; and assist States in putting in place identification, profiling and referral mechanisms and in identifying alternatives to detention.

UNHCR will further analyze the magnitude and patterns of forced displacement focusing in particular on women and children; concurrently, it will enhance its presence in affected countries to mitigate the impact of displacement due to violence, and work closely with authorities to develop response mechanisms. To increase the child protection capacity in the region, a Child Protection Officer was deployed. Furthermore, in order to uphold the principle of the State's primary responsibility for child protection, UNHCR and its counterparts will continue to conduct capacity-building activities in the countries of origin, destination and transit for child protection officers and border officials. This capacity-building programme will aim, *inter alia*, to improve reception conditions for returned UASC and to strengthen the best interest assessment system.

IV. General recommendations and conclusions

In view of the above information on the specific protection challenges faced by UNHCR's children of concern in relation to sale and exploitation in both NTCA and in Egypt, the Special Rapporteur may wish to make the following recommendations to States, UN agencies and other relevant stakeholders for addressing such challenges in these and other regions.

The Special Rapporteur may wish to recommend that States:

- Ensure that refugee, asylum-seeker, IDP, stateless and returnee children have equal access, without discrimination based on their status, to national child protection mechanisms and social services, including medical, legal, psychosocial, education and livelihoods services;
- Strengthen best interest determination procedures and alternative care systems for unaccompanied and separated children; and
- Ensure that all officials who come into contact with migrants, displaced persons and returnees/deportees are adequately trained and capacitated to identify and refer individuals in need of assistance and protection, in particular UASC, victims of trafficking, and others with specific needs.

The Special Rapporteur may further wish to recommend that UN agencies, in collaboration with Government and civil society counterparts:

- Develop sustainable and integrated programming in cooperation with the national child protection systems to enhance prevention, identification and response to cases of violence, neglect, abuse and exploitation;
- Expand the participation of children in participatory assessments with a view to increasing evidence-based multi-sectoral programming;
- Strengthen the capacity of families, caregivers and communities to prevent the exploitation, abuse and neglect of children at risk;
- Assist national institutions to ensure timely registration of births and access to documentation;
- Support community-based protection structures where functional to reach out to isolated and marginalized refugee children to ensure information dissemination and early identification and referral of children with heightened protection risks;

- Ensure specialized focus on youth as a group with distinct needs and capacities; and
- Increase the capacity of law enforcement mechanisms to address issues of SGBV and the abuse of children.

Division of International Protection
UNHCR
May 2015