
Technical Note

Inclusion of Children in the Context of Migration into National Child Protection Systems

April 2024



The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of the International Organization for Migration (IOM) or the United Nations Children's Fund (UNICEF).

The publication was issued without formal editing by IOM or UNICEF.

Cover photo : © UNICEF/UN0773554/Boughaleb

Suggested Citation: International Organization for Migration (IOM), United Nations Children's Fund (UNICEF), 2024. Technical Note. Inclusion of Children in the Context of Migration into National Child Protection Systems. IOM, Geneva; UNICEF, New York.

© United Nations Children's Fund (UNICEF)
© International Organization for Migration (IOM)
April 2024

Permission is required to reproduce any part of this publication. Permission will be freely granted to educational or nonprofit organizations.

Please contact:

United Nations Children's Fund
3 United Nations Plaza, New York, NY 10017, USA

International Organization for Migration
17 route des Morillons, 1211 Geneva 19, P.O. Box 17,
Switzerland

This report and additional online content are available at:
<https://www.unicef.org/migrant-refugee-internally-displaced-children>

www.publications.iom.int

ACKNOWLEDGMENTS

This technical note was written by Christina Torsein, who also led stakeholder consultations and literature review that informed the note. Timothy Williams contributed to writing the note. The note was produced under the guidance of Kirsten Di Martino, UNICEF Senior Child Protection Adviser, and Aniruddha Kulkarni, Child Protection Specialist, in the Child Protection Programme Team in UNICEF Headquarters and Irina Todorova, IOM Head of Core Protection Unit, and Aurela Hoxha, Senior Migrant Protection Specialist, in the Protection Division at the International Organization for Migration. The note benefited from technical review and feedback from UNICEF and IOM colleagues at national, regional, and global levels, and stakeholders who participated in the consultations in December 2022 and June 2023. This project was partially supported by PROSPECTS, a multi-year, multi-stakeholder partnership funded by the Government of the Netherlands and the IOM Development Fund.

CONTENTS

Acknowledgments	4
Contents	5
Acronyms	6
Executive Summary	7
I. Introduction	10
Purpose of the technical note	10
Roadmap of the technical note	11
II. Risks and response to children in the context of migration	13
Migration dynamics and drivers of risk	13
Typologies and conditions that shape the experiences of children in the context of migration	14
A child-rights-based approach to migration	17
III. Overview of Child Protection Systems Strengthening (CPSS)	19
UNICEF's Child Protection Systems Strengthening approach	19
IOM's integrated approach to the protection of migrants in vulnerable situations	21
IV. Applying the seven elements of CPSS to children in the context of migration	24
Legal and policy framework	24
Governance and coordination structures	26
Continuum of services	28
Minimum standards and oversight mechanisms	30
Human, financial and infrastructure resources	33
Mechanisms for child participation and community engagement	35
Data collection and monitoring systems	37
V. The role of key stakeholders in CPSS	41
Annexes	44
Annex I: Key terms	44
Annex II: Strategic questions when applying CPSS to children in the context of migration	48
Annex III: Key resources	51

ACRONYMS

ASEAN	Association of Southeast Asian Nations
BID	Best interest determination
CPSS	Child protection systems strengthening
COVID-19	Coronavirus disease
CRC	Convention on the Rights of the Child
CRVS	Civil registration and vital statistics
FCDO	Foreign, Commonwealth and Development Office
EU	European Union
IDAC	International Data Alliance for Children on the Move
IDC	International Detention Coalition
IOM	International Organization for Migration
MICS	Multiple indicator cluster surveys
MoU	Memorandum of understanding
RECs	Regional Economic Communities
SMQs	Strategic monitoring questions
SOGIESC	Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics
SOPs	Standard operating procedures
SSW	Social service workforce
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
VACS	Violence Against Children Surveys

EXECUTIVE SUMMARY

Child migration can be voluntary or forced, temporary or permanent, and it can occur with or without the accompaniment of a parent or adult caregiver. Children in the context of migration¹ include those who are migrating within their own country, across borders, as well as children who remain behind while their caregivers migrate. Some children migrate due to armed conflict, violence, poverty and economic shocks, the effects of climate change, or to reunify with family. Others are drawn to move in pursuit of better opportunities. Too often, the journey increases their risk of exploitation, abuse, neglect or violence.

The rights set forth in the Convention on the Rights of the Child (CRC) apply to all children within a State’s jurisdiction “without discrimination of any kind” (Article 2). However, children in the context of migration do not always enjoy in law and in practice the same rights as children who are citizens of the host country. As a result, they are often excluded from national child protection systems. A whole-of-government approach is necessary to ensure that the rights of children in the context of migration are promoted and protected through inclusive systems.

This technical note considers how states can strengthen child protection systems to be inclusive of children in the context of migration. It is based on the joint commitment that IOM and UNICEF have made to advance the rights of children in the context of migration under the IOM-UNICEF Strategic Collaboration Framework (2022-2023). The technical note is designed to build on the complementary mandates and comparative advantages of each agency.

The note explains how UNICEF’s [Child Protection Systems Strengthening \(CPSS\) Approach](#) applies to children in the context of migration. It provides promising practices from IOM and UNICEF, government partners, and civil society and offers recommendations for how national child protection systems can deepen synergies with migration systems through coordinated policy, programming, and partnership. The note is organized around the seven ‘elements’ of child protection systems, namely: **(1) legal and policy framework; (2) governance and coordination structures; (3) continuum of services; (4) minimum standards and oversight mechanisms; (5) human, financial and infrastructure resources; (6) mechanisms for child participation and community engagement; and (7) data collection and monitoring systems.** Key recommendations from each of these seven elements are summarized below.



1 This report opted to use “children in the context of migration” as a way to avoid negative associations with migration. As this report will show, migration can serve as a means to contribute, protect and advance their human rights.

RECOMMENDATIONS TO STRENGTHEN INCLUSION OF CHILDREN IN THE CONTEXT OF MIGRATION IN NATIONAL CHILD PROTECTION SYSTEMS²

1. LEGAL AND POLICY FRAMEWORK



- Apply a child-rights-based approach, where primary consideration is given to the rights of the child and their best interests, rather than their migration status.
- Prohibit and end the detention of children in the context of migration for reasons related to their or their parents' migration status, ensuring that where necessary and appropriate there are alternative care arrangements that are rights compliant.
- Cross-border mechanisms, including standard operating procedures (SOPs), must be in place for timely case management support to children in the context of migration, with a focus on preventing family separation and promoting family unity and reunification.

2. GOVERNANCE AND COORDINATION STRUCTURES



- Include children in the context of migration across all systems, e.g., education, health, social protection, child protection.
- Children in the context of migration must be promptly referred to inclusive child protection services with primary responsibility in ensuring that their rights are met. National child protection systems must be linked to the migration systems and other systems (education, health, social protection etc.) at all levels and between governments.
- Provide alternatives to child (immigration) detention, including community- and family-based care arrangements, that ensure access to education, healthcare and children's right to family life.

3. CONTINUUM OF SERVICES



- Establish appropriate care and reception arrangements that are rights compliant and paired with education and health care.
- Prevent detention by enhancing the capacity of migration and child protection actors to make referrals to appropriate systems and services.
- Ensure that SOPs for case management and referrals are inclusive and non-discriminatory towards children in the context of migration.
- Establish cross-border case management systems for children in the context of migration.

² Section 4 of the technical note elaborates in detail each of the seven elements and the recommendations, together with country examples.

4. MINIMUM STANDARDS AND OVERSIGHT MECHANISMS



- Ensure that minimum standards and oversight mechanisms include indicators related to the protection of children in the context of migration.
- Ensure that independent oversight mechanisms, such as National Offices of the Ombudsperson or National Human Rights Commissions, must focus on oversight of the situation of children in the context of migration.
- Periodic review and updates to standards for specific child protection services, e.g., alternative care services, and guidelines and SOPs, e.g., case management, must incorporate the needs of children in the context of migration.

5. HUMAN, FINANCIAL AND INFRASTRUCTURE RESOURCES



- In partnership with national governments, support costing and advocating for greater public financing for services for children that include those in the context of migration.
- Promote and finance systemic reform for professionalization, accreditation and appropriate training of the social service workforce, and associated curricula, on the rights of children in the context of migration.
- Support training for relevant actors to develop alternatives to detention.
- Train local frontline social service workers to be more sensitive to the background of children in the context of migration, particularly when it comes to socio-cultural considerations, including gender.
- Make available additional specific support to the social service workforce, such as trained interpreters, multicultural workers, sign language, etc., to better respond to the needs of children in the context of migration.

6. MECHANISMS FOR CHILD PARTICIPATION AND COMMUNITY ENGAGEMENT



- Reduce stigma by sensitizing communities on the needs and vulnerabilities of those in the context of migration.
- Establish child-friendly independent complaints mechanisms and ensure the inclusion of children in the context of migration through, e.g., introducing additional languages, mobile technology, etc.
- Ensure that social service workers are equipped to help children in the context of migration participate in each stage of the process for their care, including decision-making about programmes and policies that impact them, by making available necessary tools, resources, and support.

7. DATA COLLECTION AND MONITORING SYSTEMS



- Administrative data systems must be able to disaggregate by migration status (age, sex and disability).
- Children in the context of migration must be included in national surveys, assessments, and censuses.
- Data must be used to inform revisions of legislation, policies, and services so that children in the context of migration receive the best possible services.
- Improve data governance and protections, including coordination, oversight and secure management.

I. INTRODUCTION

Migration³ can serve as a powerful source of prosperity, innovation and sustainable development. Most migrants travel, live and work in a safe, orderly and regular manner. Nevertheless, migration affects countries, communities, migrants and their families in different and sometimes unpredictable ways. Forced displacement, unsafe or irregular migration can exacerbate vulnerabilities and marginalization, which, in turn, can lead to violence, abuse, exploitation and discrimination. Specific risks are also linked to the reasons why children have migrated as well as the conditions they face en route and at destination. These challenges are further compounded when national legislation or policies are not inclusive of children in the context of migration.

The Convention on the Rights of the Child (CRC) underscores that national laws should apply to all children within a State's jurisdiction and that the rights set forth in the CRC apply to all children "without discrimination of any kind" (Article 2). However, children in the context of migration do not always enjoy, in law and in practice, the same rights as children who are citizens of the host country and are often excluded from national child protection systems. United Nations agencies strongly support the longstanding consensus that States are obligated to uphold all children's rights for all children, including those in the context of migration. This involves ensuring that children are included in national child protection systems in a fair and unbiased manner.

Keeping these points in mind, inclusion can be understood as "the process of improving the ability, opportunity, and dignity of people, disadvantaged on the basis of their identity, to take part in society."⁴ A whole-of-government approach, led by child protection entities, is necessary to ensure that the rights of children in the context of migration are promoted and protected through inclusive systems.

PURPOSE OF THE TECHNICAL NOTE

This technical note was prepared for policymakers, frontline workers, and implementing partners, including civil society and governments, and UN agencies. It considers how states can strengthen child protection systems to be inclusive of children in the context of migration. It is based on the joint commitment that IOM and UNICEF have made to advance the rights of children in the context of migration under the IOM-UNICEF Strategic Collaboration Framework (2022-2023). One of the Framework's four priority areas is dedicated to 'systems strengthening focused on child protection and social protection.'

3 Migration is defined as: "Population movement, either across an international border, or within a State, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification." See: [IOM, Key Migration Terms](#).

4 World Bank. 'Inclusion Matters: The Foundation for Shared Prosperity.' 2013. pp. 3-4

The technical note draws from document review and consultations to outline how UNICEF's [Child Protection Systems Strengthening \(CPSS\) Approach](#), including the seven key elements of CPSS,⁵ can be applied to respond to the specific vulnerabilities facing children in the context of migration.

The UNICEF-IOM Strategic Collaboration Framework draws on the complementary mandates and expertise of each agency. IOM provides services and advice to migrants and governments, including internally displaced persons, migrant workers, and refugees, promoting humane and orderly migration, in partnership with governments and other partners.⁶ UNICEF's mandate is linked to upholding the CRC, which covers all children, including those in the context of migration. UNICEF draws on its institutional advantage to advocate national governments for public financing for children and national social protection programmes, which are key components of the IOM-UNICEF Collaboration Framework. The Framework enhances collaboration between the two agencies for a more predictable and responsive partnership that meets the essential needs and realizes the potential of children and youth in a range of migration and displacement settings.

The technical note aligns with the Global Compact for Migration (GCM). The GCM serves as a vital anchor and reference point in responding to children and migration and provides a comprehensive framework that acknowledges the unique vulnerabilities and specific needs of children in the context of migration, ensuring their protection, well-being, and access to essential services. It emphasizes the importance of upholding children's rights as well as the principle of the best interests of the child.

ROADMAP OF THE TECHNICAL NOTE

The technical note is organized in the following way. First, it outlines how existing migration dynamics, drivers, and risks impact children in the context of migration. The note then presents an overview of the Child Protection Systems Strengthening (CPSS) approach and identifies complementarities between UNICEF and the IOM's work in this area. The next section considers how the seven elements of CPSS can be applied to respond to children in the context of migration. Each of these seven elements are analysed alongside recommendations and relevant examples. The final section outlines key partners in systems strengthening efforts.

5 United Nations Children's Fund, 'Child Protection Systems Strengthening: Approach; Benchmarks; Interventions'. UNICEF, New York, 2021.

6 IOM approaches its work in collaboration with ministries responsible for migration and those responsible for security (e.g., [Foreign Affairs, Migration, Interior, Labour among others](#)).



II. RISKS AND RESPONSE TO CHILDREN IN THE CONTEXT OF MIGRATION

MIGRATION DYNAMICS AND DRIVERS OF RISK

Millions of children worldwide are in the context of migration. This includes children who are migrating within their own country, across borders, as well as children who remain behind while their caregivers migrate.⁷ Migration can be voluntary or forced, temporary or permanent, and it can occur with or without the accompaniment of a parent or adult caregiver. Children's migration journey may take them through one location for a matter of hours or days. They may stay for months or years. Internal migration can be a precursor to international movement.⁸

Children and young people can move within and between countries for a variety of reasons. Some migrate due to armed conflict or violence, including gender-based violence, poverty and economic shocks, the effects of climate change,⁹ or to reunify with family.¹⁰ Others are drawn to move to pursue opportunities for work, education or to access healthcare. They may migrate even if the journey increases their risk of exploitation, abuse, neglect or violence. What's more, migration is not always voluntary; children may be forced to migrate through different types of exploitative practices, including child trafficking.¹¹

There are a few reasons why children in the context of migration may be systematically excluded from national child protection systems and the services they offer. For example, exclusion can be an intentional policy aimed to deter migrants from entering a country. Exclusion can also be the result of national law or policy not being fully attuned to the situation of children in the context of migration. Unequal access to child protection services extends to other sectors, including education, health care and social protection. Even when services are available, they tend to focus on response and not prevention, with a focus on responding to their immediate and urgent needs, rather than on more sustainable, systemic and inclusive approaches. If there are no firewalls in place between service providers and immigration authorities, some migrants may forego accessing services out of fear of enforcement. In emergency contexts, the lack of a firewall can have profoundly negative impacts when it comes to evacuating children, providing alternative care placements, or other services.

7 United Nations Children's Fund, [UNICEF Working Paper: Children "Left Behind"](#). Citing Sangeetha Madhavan, Nicholas W. Townsend, and Anita I. Garey, ['Absent Breadwinners': Father-Child Connections and Paternal Support in Rural South Africa](#), *Journal of South Africa Studies*, 2010.

8 International Organization for Migration, [World Migration Report 2020: Chapter 8. Children and Unsafe Migration](#), 2019, p. 253.

9 According to UNICEF's Children's Climate Risk Index, one billion children are at 'extremely high impacts of climate change.' See [Children uprooted in a changing climate: Turning challenges into opportunities with and for young people on the move](#) (UNICEF, Major Group for Children and Youth the space for children and youth in the United Nations, and IOM) and The [Guiding Principles for Children on the Move in the Context of Climate Change](#).

10 See Marcus, R., et al. 2022. [Children on the Move in Latin America and the Caribbean: Review of the evidence](#). UNICEF LACRO, p. 5.

11 Hovil, L. et al, [Reimagining Migration Responses: Learning from children and young people who move in the Horn of Africa](#), UNICEF Office of Research – Innocenti, Florence, 2021

Xenophobia and racism are issues of serious concern for children in the context of migration and their families, too. Host countries and communities can be unwelcoming and exhibit xenophobic or racist attitudes towards newcomers. This may result in children in need of protection services being denied access.

Similarly, even well-intentioned practitioners may respond inappropriately to some of the sociocultural drivers that engender risk. For example, if a migrant group engages in harmful practices (e.g., female genital mutilation, child marriage, etc.), this issue must be handled sensitively, including understanding the socio-economic drivers of the practice, while not compromising on international standards. Appropriate responses also mean engaging with children in the context of migration using a language they understand. Children need to be able to access information (including information about their rights and immigration procedures) throughout their journey.

Children's experiences of migration can be shaped by a range of demographic criteria and social factors. Intersecting factors such as age, disability, ethnicity, and gender shape children's migration experience. A young boy will experience migration differently than an adolescent girl.¹² Children who have diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC) can encounter an assortment of challenges and threats ranging from discrimination, violence, and difficulty accessing services.¹³ Children with disabilities are at higher risk of remaining behind due to the inaccessibility of mechanisms for migration or increased challenges accessing assistive services and/or technology. There is also the potential for exacerbating existing disability or creating new disability.¹⁴

These risks and vulnerabilities are compounded by a lack of information to inform policy and programming. Many governments and programmes do not disaggregate data by migration status or nationality. This means that the type or magnitude of problems facing migrant or displaced children is unknown, posing challenges to prevention and effective response.

TYPOLOGIES AND CONDITIONS THAT SHAPE THE EXPERIENCES OF CHILDREN IN THE CONTEXT OF MIGRATION

Children in the context of migration are not a homogenous group. There are different conditions, including push and pull factors, that shape their experience of migration and introduce risks. Below is a non-exhaustive typology of the conditions, or categories, of children in the context of migration.

12 See International Organization for Migration. *C/106/ING/8/Rev.1*. 19 November 2015. IOM Gender Equality Policy 2015-2019, page 3.

13 See IOM and UNHCR. *2021 SOGIESC and Migration Training Package*.

14 See *Charter on Inclusion of Persons with Disabilities in Humanitarian Action*.

CHILDREN WHO REMAIN BEHIND.¹⁵ When children remain behind, it typically means that either one or both parents had their children stay back when they migrated for work (e.g., seasonal agriculture-related work). They may stay with family, friends or community members; in a childcare institution; or on their own.¹⁶ Children who remain behind are a major statistical category of those in the context of migration. This is most notable in China; while 34.5 million children migrate, an estimated 68.77 million children in the country remain behind.¹⁷ Children who remain behind may be subject to child protection risks. They may be placed with their extended family who are already overburdened by responsibilities. If children do not stay with family, they may have trouble accessing services such as education or health. In addition, they may go without seeing one or both of their parents for many months or even years.

RETURNEE CHILDREN. Children return unaccompanied or with their families because they are unable or unwilling to remain in the host country.¹⁸ Some children may be unable to regularize their stay or lose their status during their stay in host countries. Children's return can be assisted or spontaneous, voluntary or forced. It can be prompted by changes in conditions in the country of origin or host country, a desire to reunite with family members, exhaustion of viable options to regularize their stay in the host or destination country, or deportation.

CHILD TRAFFICKING VICTIMS. The trafficking of children can occur within a country or across international borders. Child trafficking can take many forms, including commercial sexual exploitation, forced labour, or in forced marriages, among others. Children in these conditions often do not get paid, living in fear of violence and often in inhumane conditions.¹⁹ If a family member is complicit in this trafficking, this creates additional risks and challenges for longer-term care solutions.

INTERNALLY DISPLACED CHILDREN. Children who are internally displaced are understood to be those “who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular because of or to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised border.”²⁰

15 “Children who remain behind” is preferred to the term “children left behind.” The latter may otherwise imply that parents or caregivers “left” their children without any consideration of their care, when this is not often not the case.

16 This may include children in the context of migration with disabilities. They may be institutionalized in institutions where they do not receive appropriate care.

17 As cited in PowerPoint presentation by Ron Pouwels, former Chief Child Protection, UNICEF China. “Children left behind by migrant parents: policy response on internal migration in China.” Master of Advanced Studies in Children's Rights 2021-2022. Module 6 – Children's rights and migration, citing National Bureau of Statistics, UNICEF China, UNFPAA China, ‘Population Status of Children in China in 2015: Facts and Figures’, 2017. Data from 2015.

18 International Organization for Migration, [Reintegration Handbook: Module 6 – A Child Rights Approach to The Sustainable Reintegration of Migrant Children and Families](#). 2020, p. 197. See also, Cano, Natalia Alonso and Irina Todorova, Towards child-rights compliance in return and reintegration, [Migration Policy Practice: Special Issue on Return and Reintegration](#). Vol IX, Number 1, January-March 2019; pp.15-21.

19 See [UNODC Trafficking](#)

20 OHCHR, Guiding Principles on Internal Displacement, 1998.

REFUGEE CHILDREN OR ASYLUM-SEEKING CHILDREN. Children may seek safety as refugees²¹ after being forced to flee persecution/war in their country of origin. Similarly, asylum-seeking children may be in search of protection due to dangers in their home country. And while every refugee is initially an asylum seeker, not every asylum seeker will ultimately be given refugee status.²²

STATELESS CHILDREN. Someone who is stateless is defined as “a person who is not considered as a national by any State under the operation of its law, either because they never had a nationality, or because they lost it without acquiring a new one.”²³ If stateless children²⁴ are denied a nationality, they often are not allowed to go to school, receive health services, gain legal employment or access other rights. Providing redress to children is challenging once children reach the age of majority and are no longer entitled to child-focused protection services.

UNACCOMPANIED AND SEPARATED CHILDREN. Some children travel without a parent, extended family member, or legal guardian. Some may have become separated from their parent or legal guardian during their journey.²⁵ They face additional risks of violence, abuse, exploitation, or neglect throughout the migration journey.²⁶ This is, in part, because they often depend on irregular migration routes, conveyance by smugglers, or exposure to traffickers—or simply based on their status as unaccompanied or separated children.²⁷

CHILDREN IN IMMIGRATION DETENTION. Immigration detention of children – whether they are travelling alone or with their families - is never in their best interests, is a violation of their rights, and should be avoided at all costs.²⁸ However, at least 80 countries have laws or policies that allow children to be detained based on their migration status, and at least 330,000 children globally per year are deprived of their liberty based on their (or their parents’) immigration status.²⁹ Lack of accurate data means this is likely to be a significant under-estimate. While many countries have committed to ending child immigration detention, the reality is that even in some countries where legislation does not support immigration detention, it continues to remain in use.³⁰

21 UNHCR, [Master Glossary of Terms](#), 2022.

22 See Save the Children. [Child Refugees, Asylum Seekers, Migrants and Immigrants: Who Are They?](#)

23 UN High Commissioner for Refugees (UNHCR), [The 1954 Convention relating to the Status of Stateless Persons: Implementation within the European Union Member States and Recommendations for Harmonisation](#), October 2003.

24 To be sure, a ‘stateless’ child might not necessarily be migrating, but they are included here because stateless children face many of the same risk factors as children in the context of migration.

25 Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of unaccompanied and separated children outside their country of origin, 2005, paras. 7-8. See also: UNHCR, UNICEF, et al., [Guidelines on Unaccompanied and Separated Children](#), Geneva, 2004.

26 IOM, [Addressing the Needs of Migrant](#), 2018.

27 IOM, [Handbook for Migrants Vulnerable to Violence, Exploitation and Abuse 2019](#), p. 251; UNCRC, General Comment No. 6 (2005) Treatment of unaccompanied and separated children outside their country of origin p. 5.

28 United Nations Children’s Fund, [Alternatives to immigration detention of children](#). February 2019.

29 UN Study on [Children Deprived of Liberty](#)

30 United Nations Children’s Fund, [Global Programme Framework on Children on the Move](#). November 2017.

A CHILD-RIGHTS-BASED APPROACH TO MIGRATION

Despite the risks, migration can also be a positive and protective experience for children. UNICEF's Global Programme Framework on Children on the Move³¹ outlines some of the benefits that migration can potentially hold for children:

- It may allow them to be reunited with family;
- It may allow children and their families to live in safer communities; indeed, many children and their families fled countries of origin because of violence;
- It may allow them to access basic services (previously unavailable) including child protection, education, health, or social protection; and
- It may allow children and their families to access more secure, better-paying livelihoods (whether it be seasonal labour or more permanent employment with better benefits, or with higher wages).

Above all, a child rights based approach means considering children in the context of migration as children first, applying the best interests of the child³² as a primary consideration, while not letting their migration status prevail. A child rights approach gives children in the context of migration the best chance of being able to enjoy their rights, be included in national CPS, and to access services, without discrimination based on their migration status or any other inherent characteristic or status.

UNICEF's Global Framework on Children on the Move³³ outlines six policy asks that support the protection of children in the context of migration and displacement:

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. Ensure 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.

31 Ibid., page 23

32 International Organization for Migration and UNICEF, [Reintegration Handbook: Module 6 – A Child Rights Approach to The Sustainable Reintegration of Migrant Children and Families](#). 2020, p. 201. [UN Commission on Human Rights, Convention on the Rights of the Child](#), 7 March 1990, E/CN.4/RES/1990/74 [accessed 31 May 2023]

33 Ibid.



III. OVERVIEW OF CHILD PROTECTION SYSTEMS STRENGTHENING (CPSS)

The [child protection systems strengthening](#) (CPSS) approach applies to all children, including children in the context of migration. The sections that follow elaborate on UNICEF’s approach to CPSS as well as how IOM’s integrated approach to the protection of migrants in vulnerable situations can be applied to the protection of children in the context of migration.

Box 1. Interagency definition of “child protection systems”

“Certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect, and exploitation of children. A child protection system is generally agreed to be comprised of the following components: human resources, finance, laws and policies, governance, monitoring and data collection as well as protection and response services and care management. It also includes different actors – children, families, communities, those working at sub-national or national level and those working internationally. Most important are the relationships and interactions between and among these components and these actors within the system. It is the outcomes of these interactions that comprise the system.”³⁴



UNICEF’S CHILD PROTECTION SYSTEMS STRENGTHENING APPROACH

The benefits of a systems approach to child protection are manyfold. A systems-based approach focuses on enabling systems to become inclusive and agile and respond to child protection concerns more holistically. Further, in contrast to an issue-based approach, a systems approach can reduce programmatic fragmentation, make better use of resources, potentially reach all children, including children in the context of migration and support long-term sustainability of child protection efforts.³⁵

34 United Nations Children’s Fund, United Nations High Commissioner for Refugees, Save the Children and World Vision, ‘[A better way to protect all children: The theory and practice of child protection systems](#),’ Conference Report, 2013, p.3.

35 United Nations Children’s Fund, [Measuring the Maturity of Child Protection Systems: A Guide on How to Use the CPSS Benchmarks](#). April 2022, p.2.

UNICEF has a longstanding commitment to “a more holistic and comprehensive systems approach” to child protection. This includes “protection to all children across the humanitarian-development-peace nexus.”³⁶ In 2021, UNICEF launched its most recent approach to CPSS. This approach focuses on the key outcomes of CPSS, offers a menu of high-impact CPSS interventions to achieve these outcomes, and introduces a measurable framework that UNICEF, governments and partners can use to track progress.

Box 2. The seven elements of the CPSS approach

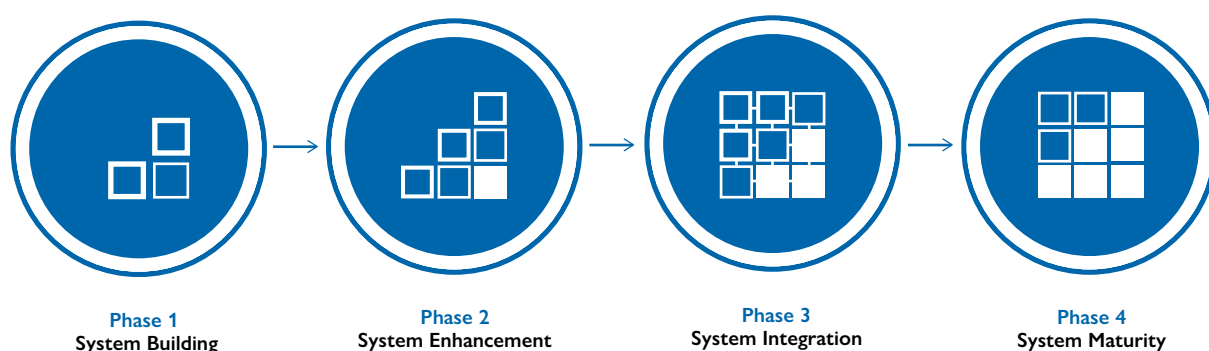


36 United Nations Children’s Fund, ‘Child Protection Systems Strengthening: Approach; Benchmarks; Interventions’. UNICEF, New York, 2021, p.6.

Each of the intermediate outcomes can be assessed according to a four-phase maturity model (see Figure 1)³⁷ which offers a measurable way to consider the extent to which child protection systems have the policies, governance structures, resources, oversight mechanisms, reliable data, etc., for them to operate flexibly and adapt, withstand and respond to shocks and remain resilient, even during humanitarian situations.

Children’s ability to access services is directly impacted by the differing levels of maturity of different intermediate outcomes and systems.³⁸ The more mature a system is, the better it stands to protect children in the context of migration. For example, mature child protection systems can effectively coordinate with different systems and sectors (including across borders), disaggregate data according migration status, and have community-based mechanisms in place to consult with children in the context of migration.

Figure 1. UNICEF’s four-phase model of child protection systems strengthening



Maturity of child protection systems is closely linked to the socio-political and development/humanitarian contexts. Certain elements may retract or develop more than others, e.g., in a humanitarian emergency, the legal and policy framework may be quite developed while a country’s ability to ensure a continuum of services may stagnate or decline during the same time period.

IOM’S INTEGRATED APPROACH TO THE PROTECTION OF MIGRANTS IN VULNERABLE SITUATIONS

IOM’s rights-based approach to migrant vulnerability is well positioned to build on child protection systems strengthening efforts for children in the context of migration. IOM’s integrated approach is rooted in the belief that the rights of all persons, including migrants, should be upheld and promoted and that all migrants who are vulnerable, regardless of category or status, should be afforded the protection and assistance services that they require.³⁹

37 United Nations Children’s Fund, [Measuring the Maturity of Child Protection Systems: A Guide on How to Use the CPSS Benchmarks](#), April 2022, p.3.

38 Ibid.

39 IOM, Part 1. [The Determinants of Migrant Vulnerability](#), p. 5.

IOM's determinants of migrant vulnerability model offers a framework to identify, protect and assist migrants who have experienced or are vulnerable to violence, exploitation and abuse before, during or after migrating and to guide the development and implementation of interventions to reduce such vulnerability. The principles that underpin this model, in turn, overlay neatly with the CPSS approach described above.

The migrant vulnerability model locates migrant families, communities and social groups within their broader social environment. The model encompasses vulnerability as well as resilience. It therefore considers risk and protective factors and their interaction. The vulnerability or resilience of migrants to violence, exploitation and abuse before, during or after migration is the net impact of the interaction of these factors at different levels.⁴⁰

IOM also recognizes that the complex process of reintegration requires a holistic and rights-based response at the individual, community and structural level while establishing strong partnerships with key stakeholders. This ecological approach takes into account the importance of families, communities and the laws, policies and frameworks that guide them. Sustainable reintegration begins before the child leaves the host country by ensuring appropriate reception and care arrangements are made in the country of origin prior to the child's return.⁴¹

40 IOM, Part 1. [The Determinants of Migrant Vulnerability](#), p. 5.

41 International Organization for Migration, [Reintegration Handbook: Module 6 – A Child Rights Approach to The Sustainable Reintegration of Migrant Children and Families](#). 2020, p. 197.



IV. APPLYING THE SEVEN ELEMENTS OF CPSS TO CHILDREN IN THE CONTEXT OF MIGRATION

Previous sections outlined the child protection systems strengthening approach and how an integrated and inclusive approach is essential for systems to protect children in the context of migration. This section describes each of the CPSS elements, considers their relevance to children in the context of migration, and offers recommendations and examples.

LEGAL AND POLICY FRAMEWORK



OVERVIEW

Legal and policy frameworks must specify the inclusion of all children, including children in the context of migration. International, regional and domestic legal frameworks must reflect how states prioritize and ensure the protection of all children, particularly the inclusion of children in the context of migration in national and sub-national legislation and policies. Below are some characteristics of an effective legal and policy framework that is inclusive of the rights of children in the context of migration:

- Legislation and policies that provide *all children in the context of migration* with equal access to rights and services, including birth registration, protection, education, health and social protection
- Legal provisions regarding access to all necessary care arrangements (and case management), such as guardianship and family- and community-based alternative care for children in the context of migration who are unaccompanied or who require protection due to violence in their household, at a standard consistent with all children
- Asylum and immigration provisions that ensure the child can express his or her views effectively and access to justice, including through legal empowerment, representation and aid
- Child protection, justice, migration, refugee and asylum laws that are child-friendly, accessible, inclusive, gender-sensitive, appropriately linked to national best-interest procedures and child protection services, and sensitive to the needs of children in the context of migration
- Cross-border mechanisms, including SOPs, should ensure timely case management support to children in the context of migration, with a focus on preventing family separation and promoting family unity and reunification
- Mechanisms whereby national child protection systems take the lead in supporting and making decisions concerning children in the context of migration, including reception arrangements, registration procedures, migration and asylum procedures, asylum and refugee status determination procedures, and durable solutions
- Child-sensitive and gender-responsive border management and counter-trafficking/-smuggling operations, including care and reception arrangements for child migrants rather than detention.⁴²

42 Adapted from UNHCR and UNICEF. Inclusion Toolkit: Refugee Children in National Child Protection Systems. January 2022 (developed by Christina Torstein), p. 37. Aslanishvili, T. et al. (2022). [Strengthening child protection systems and ending child immigration detention](#), UNICEF Office of Research – Innocenti, Florence, p. 8.

RECOMMENDATIONS

- Apply a child-rights-based approach, where primary consideration is given to the rights of the child⁴³ and their best interests, rather than their migration status.
- Prohibit and end the detention of children in the context of migration for reasons related to their or their parents' migration status,⁴⁴ ensuring that where necessary and appropriate there are alternative care and reception arrangements that are rights compliant.⁴⁵
- Cross-border mechanisms, including SOPs, must be in place for timely case management support to children in the context of migration, with a focus on preventing family separation and promoting family unity and reunification.
- Ensure that the legal and policy framework has specific references to and addresses the rights of children in the context of migration at all levels.
- Advocacy efforts should highlight examples where governments have prohibited child immigration detention or are taking steps to end it, e.g., in Colombia, Ireland, Mexico, and Thailand.
- Establish formal partnerships between the child protection system and border and migration systems to promote a child-rights approach.

EXAMPLES

- The **Association of Southeast Asian Nations (ASEAN)**, under the leadership of Thailand, adopted a [Declaration on the Rights of the Children in the Context of Migration](#) and a [Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration](#).⁴⁶ ASEAN provides solid examples of promoting and supporting change within the region, moving towards alternatives to child immigration detention, recognizing the right to birth registration for all children, and the need to allocate sufficient resources, including appropriately trained staff, to support service provision.
- In **Zambia**, efforts are underway to review the migration structure of the Immigration Department to strengthen the response to trafficking and smuggling and to identify and protect children in migration flows. The country's human trafficking policy now refers children on the move to safe accommodations, rather than detention.

43 To note Thailand has pledged to improve alternatives to detention for children (migration).

44 The CRC stated in 2012 that the detention of migrant children for reasons linked to their migration status or that of their parents was never in the best interests of the child and that States were urged to "expeditiously and completely cease the detention of children on the basis of immigration status". Therefore the possibility of detaining children as a measure of last resort based on article 37 (b) of the CRC is not applicable in immigration proceedings. See [IOM 2022](#)

45 See United Nations Children's Fund. [Reimagine Justice for Children](#). 2021, p. 7. *Where immigration detention is used actively work for its end and for immediate, timely support to children in immigration detention, prioritizing the support of child protection services/actors.*

46 Association of Southeast Asian Nations (ASEAN), [ASEAN Declaration on the Rights of Children in the Context of Migration, 2 November 2019](#) and Association of Southeast Asian Nations (ASEAN), [Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration](#).

- In **Greece**, a special secretariat for unaccompanied migrant children was created and adequately funded. There is now a national migration strategy for unaccompanied migrant children. A pilot model for independent living for unaccompanied migrant children has now been adopted by the government and codified into law so that it applies to all children.
- In **Catalonia, Spain**, the government passed an amendment to the Immigration Law of 2022, which enables young unaccompanied migrants to work and hold residency permits in the host country.⁴⁷

GOVERNANCE AND COORDINATION STRUCTURES



OVERVIEW

A whole-of-government approach to children in the context of migration requires a lead child rights, child welfare, or child protection entity or ministry. They, in turn, can coordinate all other relevant line ministries to adopt and implement inclusive legal frameworks and services, e.g., immigration/law enforcement, refugees, child protection, education, health, justice, the interior, and social protection.⁴⁸

Coordination must also happen across different levels (e.g., national and sub-national) and actors (formal and informal).⁴⁹ National actions and cross-border cooperation is required to strengthen the protection of children and their best interests.⁵⁰ Improved coordination and governance mechanisms contribute to and are characterised by:

- Formalized, functional multi-sector child protection coordination mechanisms at national, sub-national, and cross-border levels
- Effective linkages between child protection actors at the central government and sub-national levels
- Clear understanding of stakeholders' specific roles
- Formalized intra- and inter-sectoral coordination mechanisms for planning, programme implementation, monitoring and reviews
- Regular reviews of the functioning of these mechanisms⁵¹
- Partnerships and collaborations that are formalized through a memorandum of understanding (MoU) at local, national, regional or global levels.

47 As presented at the UNICEF MENA Regional Children on the Move Cross-Border Continuum of Protection and Care Workshop, Amman, 28-30 November 2022.

48 International Organization for Migration, [IOM Migration Governance Framework](#), p. 4.

49 United Nations Children's Fund, [Child Protection Systems Strengthening: Approach](#). 2021, p. 27.

50 Aslanishvili, T., Fischer, R., Kaplan, J., Subrahmanian, R., Bueno, O., Gill, M., Hovil, L., Genovese, I. (2022). [Strengthening child protection systems and ending child immigration detention](#), UNICEF Office of Research – Innocenti, Florence, p. 8.

51 United Nations Children's Fund, [Child Protection Systems Strengthening: Approach](#). 2021, p. 27.

RECOMMENDATIONS

- Children in the context of migration must be promptly referred to inclusive child protection services with primary responsibility in ensuring that their rights are met.
- National child protection systems must be linked to the migration systems and other systems (education, health, social protection etc.) at all levels and between governments.
- Include children in the context of migration across all systems, e.g., education, health, social protection,⁵² and child protection.
- Provide alternatives to child (immigration) detention, including community- and family-based care arrangements, that ensure access to education, healthcare and a child's right to family life.⁵³
- Strengthen existing multisectoral coordination mechanisms at national and subnational levels, and between countries across governments, civil society, and frontline social service workforce.⁵⁴
- Gather feedback from children in the context of migration (and their families/communities) and incorporate the same while improving existing coordination mechanisms.
- Support training for relevant actors (judicial, child protection, immigration, asylum, penitentiary, NGO, etc.) to develop and implement family- and community-based alternatives to detention.

EXAMPLES

- The Government in **Zambia** revised a national referral mechanism so that it includes returnees. Social welfare officers now receive children at the border and support them through case management. A national migration policy has made children's needs more visible.
- In **Serbia**, the country's whole-of-government coordinated approach accounts for the mandates of different ministries when it comes to children in the context of migration. Relevant authorities and child protection actors work to ensure these mandates are acted upon. For example, the Serbian Commission for Refugees shares responsibility with the Ministry of Labour, Immigration Policy and Social Affairs, to ensure that unaccompanied and separated children are beneficiaries of social services. The Ministry of Population & Demography is responsible for family care for migrant children.

52 See: Pereira, K.C. and F. Araújo, Integrating social protection and child protection services for better outcomes for children in the Middle East and North Africa. *Research Report*, No. 84. Brasília and Amman: International Policy Centre for Inclusive Growth and UNICEF Middle East and North Africa Regional Office, 2022 and United Nations Children's Fund [Technical Note. Social Protection for Children and Families in the Context of Migration and Displacement during COVID-19](#). August 2020.

53 See: IOM, [IOM Quick Guide on Alternatives to Detention \(ATD\)](#) IOM Road Map on Alternatives to Migration Detention: Tools Series N°1, 2020; and IOM, [Advocating for Alternatives to Migration Detention: Tools Series N°2](#), 2021; Global Compact for Migration Objective 13(h).

54 United Nations Children's Fund, [Guidelines to Strengthen the Social Service Workforce for Child Protection](#), UNICEF, 2019, p. 9. [Noting the social service workforce is broader than just child protection.]

- In **West and Central Africa**, IOM and UNICEF have finalized regional guidance on case management for children on the move. This guidance aims to ensure complementarity in approaches whereby national child protection systems and sub-national systems should be able to integrate children on the move.⁵⁵
- Other efforts at coordination include cross-border meetings on the protection and care of children on the move. In 2022 UNICEF **Middle East and North Africa**, with support from IOM, convened a regional meeting with government delegations held in Amman, Jordan where a half dozen countries in the region discussed responses to cross-border migration. The workshop was an important step towards enhancing awareness and collaborative work with governments in the region towards increasing the protection of children in the context of migration.⁵⁶

CONTINUUM OF SERVICES



OVERVIEW

A functioning child protection system has a continuum of services, including primary prevention, secondary prevention, and tertiary response. Ideally, all children in a territory can access services, yet many countries struggle to provide child protection services. Not all children, nor all children in the context of migration, will need child protection response services. However, *all* children should be able to access child-friendly, community-wide prevention programmes and services.

Children in the context of migration need to have access to support and protection through their entire journey – at origin, in transit, at the destination, and return – until a durable solution has been achieved.⁵⁷ In the case of children remaining behind, for example, they may have trouble accessing child protection and related services. In other cases, access to services is often linked to migration, refugee status, citizenship, or residency status, either in law or practice.⁵⁸ Characteristics of an effective continuum of services include:

- Keeping families together as the best way to protect children
- Giving children in the context of migration and their parents/caregivers regular status to reduce the barriers and discrimination they face in accessing essential services
- Recognizing kinship care early on in the reception process through standardized processes

55 IOM and UNICEF. Case management for Children on the Move. Joint IOM-UNICEF guidelines for West and Central Africa. Internal document. May 13, 2022, p.2.

56 UNICEF MENA Regional Children on the Move Cross-Border Continuum of Protection and Care Workshop, Amman, 28-30 November 2022.

57 United Nations Children's Fund, [Global Programme Framework on Children on the Move](#). November 2017, p. 9.

58 Ibid, p. 24.

implemented with child welfare professionals and robust oversight, so children can remain with non-parental caregiver adults throughout their journey provided it is safe to do so.

- Facilitating family reunification as soon as possible recognizing that in some instances families may need to separate temporarily.
- Providing all children born in a host country with a birth certificate (including when one parent is a non-national or unknown) to prevent statelessness; parents/caregivers should receive appropriate national identification
- All children are entitled to receive services, while attending to the fact that some children, e.g., children with disabilities, may be more likely to be separated from families than others

RECOMMENDATIONS

- Establish appropriate care arrangements that are rights compliant and paired with education and health care.
- Prevent/end detention by enhancing the capacity of migration and child protection actors to make referrals to appropriate systems and services.
- Ensure that SOPs for case management and referrals are inclusive and non-discriminatory towards children in the context of migration, including firewalls between child protection and immigration systems
- Establish cross-border case management systems for children in the context of migration.
- Enhance the focus on timely access to justice. With firewalls in place, strengthen partnership between migration, border management, child protection and justice actors to refer children to appropriate systems and services to ensure that they have access to justice and can claim their rights, including asylum and migration procedures, redress and remedies for violation of their rights if victims or witnesses of violence and exploitation and those in contact with the law, and to prevent detention, as well as services to provide support to those children who are in detention.⁵⁹
- Using evidence from promising interventions, advocate for funding to scale up inclusive child protection services for all children in the territory.⁶⁰

59 United Nations Children's Fund. [Reimagine Justice for Children](#). 2021, p. 7. UNICEF and partners envision justice for children is reimagined through six interconnected action: Every child is protected from detention; every child in conflict with the law can be diverted; every child can access alternative dispute resolution mechanisms and child-friendly courts; every child knows and can claim their rights; every child can access free legal aid, representation, and services; every child survivor of sexual violence, abuse and exploitation receives justice.

60 Services include: birth registration (including when one of the parents is a non-national, or unknown), child friendly justice, social welfare services, family courts accessible to children in the context of migration, shelter for victims of violence, family based alternative care. For children in detention, ensure that child protection services/actors are involved with their cases and provide support (ensuring partnership between border/migration/penitentiary and child protection services).

EXAMPLES

- In **Bosnia and Herzegovina**, plans have been put in place to pilot foster care and semi-independent living for unaccompanied migrant children, expanding the existing national foster care system. IOM provides training on cultural awareness for prospective foster families. UNICEF and partners have been working to strengthen the capacity of the government social service workforce and migration officials. Learning exchanges are planned for officials in three cantons (inviting representatives of government institutions). Increased social worker funding has helped better provide for local and migrant children.
- In **Mali** and **Mauritania**, the EU is supporting one-stop service hubs. The service hubs focus on systems strengthening by providing a continuum of services, including for children on the move. Referral services include case management, emergency alternative care and access to community support.⁶¹
- In **Tunisia** efforts are underway by the government, along with IOM and UNICEF, to provide migrants access to multi-sectoral services. Particular attention is being placed on the needs of children aging out of the system, the needs of youth sufficiently accessing education or vocational training, healthcare, etc. These stakeholders are working together, mindful of the language requirements of these children and the importance of awareness raising/sensitization of frontline service providers on cultural competence and xenophobia.

MINIMUM STANDARDS AND OVERSIGHT MECHANISMS



OVERVIEW

Government and/or independent oversight mechanisms and minimum standards are necessary to monitor child protection services and systems adequately and to ensure that all children, including those in the context of migration, are considered. Governments at different levels should conduct regular monitoring and reporting of child protection services to ensure national minimum standards are fully enforced.⁶² A strong child protection system can address the particular vulnerabilities of children in the context of migration *and* all children in the territory. Ombudspersons Offices or National Human Rights Commissions can play a vital role in oversight and be key allies for promoting and supporting standards and oversight related to children, including migrant children.⁶³

61 See also, UNHCR and UNICEF, [Inclusion of Refugee Children in National Child Protection Systems: Guidance for Practitioners in East Africa](#). 2017 (developed by Christina Torsein), p. 25.

62 UNICEF Child Protection Systems Paper Series. 1: The UNICEF Child Protection Systems Strengthening Approach.

63 See UNHCR and UNICEF, [Inclusion Toolkit: Refugee Children in National Child Protection Systems](#). January 2022 (developed by Christina Torsein).

National standards or guidelines (e.g., alternative care guidelines or case management standards) may not include minimum standards for children in the context of migration. While this poses a challenge, several countries have revised national guidelines or SOPs to make them inclusive of all children. Oversight for child protection may not be a priority in particular contexts. Developing such oversight provides valuable checks and balances to the child protection system.

RECOMMENDATIONS

- Ensure that minimum standards and oversight mechanisms include indicators related to the protection of children in the context of migration. Standards for children in the context of migration should be consistent with those for national children.
- Ensure that independent oversight mechanisms, such as National Offices of the Ombudsperson or National Human Rights Commissions, focus on oversight of the situation of children in the context of migration.
- Periodic review and updates to standards for specific child protection services, e.g., alternative care services, and guidelines and SOPs, e.g., case management, must attend to the rights and incorporate the needs of children in the context of migration.
- Adapt or strengthen existing monitoring mechanisms to identify the extent to which these services are inclusive of children in the context of migration.
- Train officials and experts who conduct monitoring of child protection services to actively engage with children in the context of migration to listen to their feedback, and make recommendations for improvements.

EXAMPLES

- In **Kazakhstan**, the Commissioner for Human Rights has worked with partners to implement a programme to protect children in the context of migration. Protective services were tested in three locations to align the child protection system with international best practices when it comes to migration as well as to develop alternatives to institutionalization.⁶⁴ This programme led to the development of an operational manual and a series of trainings on comprehensive social, psychological and legal services to children in the context of migration.
- In 2017, the **European Children’s Ombudspersons** produced recommendations for safeguarding and protecting the rights of children on the move.⁶⁵ These recommendations emphasized that European States had a “key duty to ensure and protect the rights of all children on their respective jurisdiction, regardless of their legal status.” The 23 Independent Children’s Rights Institutions from Council of Europe Member States further recognized that “governments must take more concrete steps to meet their obligations. This includes protecting children’s rights and enabling their social inclusion and full participation.”⁶⁶

64 UNICEF Kazakhstan, [Strengthening Child Protection Systems for Children In the context of Migration](#). September 2022.

65 European Network of Ombudspersons for Children. [Recommendations for safeguarding and protecting the rights of children on the move: The challenge of social inclusion](#). Regional Meeting of European Children’s Ombudspersons. Athens, 13 November 2017.

66 Ibid.



HUMAN, FINANCIAL AND INFRASTRUCTURE RESOURCES



OVERVIEW

Sufficient human, financial and infrastructure resources are needed for national child protection systems that are capable of responding to children in the context of migration. Countries must be prepared to respond in the case of a sudden influx of migrants, asylum-seekers, or refugees.⁶⁷ Adequate analysis, planning and budgets are key to anticipating and responding effectively.

A qualified social service workforce is the backbone of a child protection system and is the key ingredient for a system that is stronger and better able to respond to all children.⁶⁸ The social service workforce consists of formal and informal actors who assist children and their families. They require training on the specific situation, needs and rights of children in the context of migration, while also possessing the language capacity and cultural competence to respond effectively.

Child protection systems and services that can respond to children in the context of migration also need adequate financing. Increasing budgets for child protection ministries and services, including those that target children in the context of migration, can enhance the protection of *all* children. In low-resource settings, a refugee or mixed migration response has often been an opportunity to strengthen some components of a child protection system, such as training social service workers or strengthening cross-border case management mechanisms.⁶⁹ Financing can be improved through advocacy. United Nations agencies such as IOM and UNICEF are uniquely positioned to take a leadership role when it comes to advocacy through some of the following activities: advocating for bilateral and multilateral support (including for social welfare and justice services) to countries that support large numbers of children in the context of migration; and (when feasible⁷⁰) encouraging governments to increase their own spending on child protection to strengthen their national child protection systems.⁷¹

Infrastructure resources are necessary, too. This includes ensuring the social service workforce has the resources it needs to do the work. It also means improved working conditions, such as mentoring, in-service training, and opportunities for advancement. These can pay dividends in workforce satisfaction and retention.

67 As an example see: UNICEF and Migration Policy Institute. [Four Strategies to Improve Services for Unaccompanied Children in the United States](#). December 2022.

68 UNICEF CP Systems Strengthening, p. 20.

69 United Nations Children's Fund. [Programme Evaluation: Protecting Children On The Move in the Horn of Africa](#). (February 2021).

70 National child protection services are often underfunded and understaffed. In some contexts, budgets are decentralized. Insufficient financing of ministries at sub-national levels poses enormous challenges for frontline service providers and managers.

71 See United Nations Children's Fund. [Technical Paper. 03.2020. The contribution Public Finance for Children can make to realizing child protection objectives](#). UNICEF Child Protection Programme Division and UNHCR and UNICEF, [Inclusion of Refugee Children in National Child Protection Systems: Guidance for Practitioners in East Africa](#). 2017 (developed by Christina Torsein), pp.20-22.

RECOMMENDATIONS

- In partnership with national governments, support costing and advocating for greater public financing for services for children that include those in the context of migration.⁷²
- Promote and finance systemic reform for professionalization, accreditation and appropriate training of the social service and justice workforce, and associated curricula, on the rights of children in the context of migration.
- Support training for relevant actors to develop alternatives to detention.
- Train local frontline social service workers to be more sensitive to the background of children in the context of migration, particularly when it comes to socio-cultural considerations, including gender, as well as training in psychosocial support/psychological first aid for children on the move.
- Make available additional specific support to the social service and justice workforce, such as interpreters, sign language, etc., to better respond to the situation of children in the context of migration and ensure that they can have adequate access to services.
- Ensure an accreditation system is in place for the child protection social service workforce and that their mandate includes children in the context of migration.

EXAMPLES

- In the **Kingdom of Saudi Arabia**, border staff were trained on strengthening mechanisms to combat human trafficking with a focus on protecting and caring for children on the move. IOM, UNHCR, OHCHR, ICRC, UNODC and UNICEF all contributed to the training in partnership with the National Human Rights Commission.
- In **Germany**, during the migrant and refugee response in 2015-2018, UNICEF supported the Government and other partners to develop a comprehensive training package and deliver training to CP Coordinators and Managers of Refugee Centres across the country about the situation of children in the context of migration.
- In **Malaysia**, the government and its partners sought to support the social service workforce to respond to the situation of migrants through a training package. The training, in partnership with institutions of higher education, focused on social norms and promoting a supportive dialogue/environment with migrants.
- Several donors have shown leadership in funding systems-strengthening approaches for children in the context of migration. The **European Union (EU)** funds systems-strengthening initiatives in most regions. The PROSPECTS Partnership, funded by the **United Kingdom Foreign, Commonwealth and Development Office (FCDO)** and the **Government of the Netherlands**, supports the inclusion of refugee children, especially in the **Horn of Africa**.

72 See United Nations Children's Fund. [Technical Paper. 03.2020. The contribution Public Finance for Children can make to realizing child protection objectives](#). UNICEF Child Protection Programme Division and UNHCR and UNICEF, [Inclusion of Refugee Children in National Child Protection Systems: Guidance for Practitioners in East Africa](#). 2017 (developed by Christina Torstein), pp.20-22.

MECHANISMS FOR CHILD PARTICIPATION AND COMMUNITY ENGAGEMENT



OVERVIEW

Child participation, legal empowerment,⁷³ and community engagement are critical elements of a child-rights-based approach, enabling children as rights-holders to claim their rights and ensuring that programmes and services are effective, accountable, and self-determined. UN entities and states themselves have an obligation in this area. All children should be able to engage in decisions that affect them and express their opinions without discrimination. This is particularly salient in the case of children in the context of migration. The CPSS approach holds that *individual* children should also be supported to: (1) contribute to decision-making when they access (or are prevented from accessing) child protection procedures; (2) exercise their right of complaint; and (3) provide feedback on their experiences with the child protection system.⁷⁴

Child participation, legal empowerment, and community engagement are not practiced and utilized to the extent that they could be. Sometimes “participation” is practiced in a tokenistic manner that does not meaningfully involve the voices of children in the context of migration. In other cases, child participation is not always obligatory during a programme cycle’s planning, implementation or evaluation stages. Helplines and/or one-stop service centres allow them to receive assistance and share their reflections and concerns. Sometimes a journey may only last a few days in one location, posing challenges to receiving feedback. Nevertheless, child and community participation and legal empowerment are key ingredients of a child-rights-based approach and a mature child protection system that can respond to the needs and concerns of children.

RECOMMENDATIONS

- Reduce discrimination and stigma toward migrants by sensitizing communities on the rights, needs, and vulnerabilities of those in the context of migration and promote their inclusion in existing community-based mechanisms for child protection.

73 Beyond child participation, UNICEF advocates for legal empowerment under the Reimagine Justice for Children agenda as child participation is not enough for them to claim their rights. Legal empowerment is the use of the law specifically to strengthen disadvantaged children and enable them accessing their rights. The UN Secretary-General noted that legal empowerment “recognizes that every individual must have access to justice, including due process and remedies and that action must be taken to eliminate discrimination. There are four key strategies for the legal empowerment of children: (1) Education: provide children and young people with effective access to education regarding their legal system; (2) Expression: enable children and young people to express their views freely about issues that affect them, and to advocate for their rights, both individually and collectively; (3) Access to remedy: facilitate children and young people’s access to local, national and international judicial and quasi-judicial forums and legal processes, to support their access to legal remedies; and (4) Safety: foster a child-friendly and safe environment for children and young people to use the law and the legal system, as well as non-litigious strategies, to take action.

74 With regards to services, feedback from service users is important to assess the effectiveness, efficacy and relevance of the services provided. The direct engagement and participation of children and adolescents in child protection committees or other statutory bodies that are part of the child protection system should always be age appropriate and include child safeguarding measures to protect children from exposure to harm.

- Establish child-friendly independent complaints mechanisms⁷⁵ and provide guidance on resources to develop these mechanisms as appropriate, ensuring links to other services and sectors.
- Ensure the inclusion of children in the context of migration through, e.g., introducing additional languages, mobile technology, etc so that children in the context of migration can conveniently use these mechanisms.
- Ensure that social service workers are equipped to help children in the context of migration participate in each stage of the process for their care, including decision-making by making available necessary tools, resources, and support.
- Ensure guidelines and SOPs for feedback and response mechanisms have clear roles and responsibilities for handling issues raised by children in the context of migration.
- Promote and advocate for the legal empowerment of children.

EXAMPLES

- There is growing recognition of the importance of hearing directly from children, youth and their parents or caregivers throughout their migration journey. This includes *during service provision*. For example, in **Germany**, IOM and municipal actors work with children and youth to hear their perspectives in IOM's, "The Unaccompanied Children in Alternative Residence (U-CARE)" project, financed by the European Union's Asylum, Migration and Integration Fund, which aims to support youth aging out of the system and promote independent living.
- In **Türkiye**, the Turkish Red Crescent focuses directly on efforts to empower migrant children and youth, including programmes focused on mentoring, supporting youth advisory committees and leadership programmes.
- Findings from research and studies speaking directly with children, youth, and their families can be used to advocate for necessary legislation, policy, or service delivery changes. For example, [Reimagining Migration Responses: Learning from children and young people who move in the Horn of Africa](#) draws on the first-hand migration experiences of 1,634 children and young people moving between **Egypt, Ethiopia, Somalia** and **Sudan**. The findings have been incorporated into programming responses and service delivery.⁷⁶

75 United Nations Children's Fund. [Child-friendly complaint mechanisms](#). 2019. UNICEF. National Human Rights Institutions Series.

76 For the full report see: Hovil, Lucy, Mark Gill, Iolanda Genovese, Olivia Bueno, Josiah Kaplan and Ramya Subrahmanian, [Reimagining Migration Responses: Learning from children and young people who move in the Horn of Africa](#), UNICEF Office of Research – Innocenti, Florence, 2021. Short, practical, easy-to-read briefs have also been developed on various issues based on these findings. These briefs serve as valuable resources and tools for practitioners, managers and policymakers about what is effective for children in the context of migration. See, Aslanishvili, T., Fischer, R., Kaplan, J., Subrahmanian, R., Bueno, O., Gill, M., Hovil, L., Genovese, I. (2022). [Strengthening child protection systems and ending child immigration detention](#), UNICEF Office of Research – Innocenti, Florence, pp. 2-3. The other briefs in the series include [Access to Basic Services](#), [Vulnerability](#), and [Discrimination and Xenophobia](#).

Key actions that can strengthen inclusion in mechanisms for participation, legal empowerment and community engagement for children in the context of migration:⁷⁷

- Encouraging practical efforts to apply the [nine basic requirements for effective and ethical participation](#) as a planning and monitoring tool
- Reflecting on whether additional feedback loops would be beneficial to receive reflections from children in the context of migration (e.g., children, parents/caregivers, community leaders, etc.)
- Implementing child helplines/hotlines where children and communities in the context of migration can share their concerns
- Ensuring feedback and complaints mechanisms are child-friendly and accessible to children
- Working with networks for migrants or refugees (or other networks for children in the context of migration) to implement community-led and -based child protection activities
- Supporting implementing partners to further engage children in the context of migration (including children of different genders and ages, parents/ adults, etc.) in sharing their reflections and insights, especially about decisions that affect them

DATA COLLECTION AND MONITORING SYSTEMS



OVERVIEW

Reliable data collection and monitoring systems support all actors conducting evidence-based advocacy and programming. Data can be used to *assess barriers and limitations* in the national system and to propose areas for strengthening so all children, including those with a migration background, can receive better services and programming.⁷⁸ Accessible, comparable, disaggregated, and timely data are vital to understanding and addressing the implications of migration for children and their families.⁷⁹ A comprehensive and inclusive information management system also supports better preparedness in the event of a sudden influx of children or population displacement.

Data on migration patterns and risks remains often incomplete. More information is available on international migration (between countries and between regions) rather than internal

77 UN Committee on the Rights of the Child (CRC), General comment No. 12 (2009): [The right of the child to be heard](#), 20 July 2009, FCRC/C/GC/12.

78 See UNHCR and UNICEF, [Inclusion Toolkit: Refugee Children in National Child Protection Systems](#). January 2022 (developed by Christina Torsein), p. 42.

79 United Nations Children's Fund. [A child is a child. Protecting children on the move from violence, abuse and exploitation](#). 2017, p.54.

migration.⁸⁰ Some new efforts to improve migration-related data, including on children, include using surveys that tap into new technologies and data sources, such as social media or metadata from mobile phone usage.

RECOMMENDATIONS

- Administrative data systems must be able to disaggregate by migration status.⁸¹ For this to happen, appropriate regulatory frameworks and mechanisms need to be put in place, including data governance and protections, coordination, oversight and secure management.⁸²
- Children in the context of migration must be included in national surveys, assessments, and censuses.⁸³
- Data must be used to inform revisions of legislation, policies, and services so that children in the context of migration receive the best possible services.
- Improve data governance and protections, including coordination, oversight and secure management.
- Utilize data to revise legislation, policies, and services so that children in the context of migration receive the best possible services.
- Increase child participation and community engagement of migration-affected groups so that planning, monitoring and evaluation activities can work to ensure these children are represented in data collection.

EXAMPLES

- IOM and governments collaborate with other partners on the [IOM Displacement Tracking Matrix \(DTM\)](#). The DTM is a system that keeps track of and monitors the movement of displaced populations, including children. The DTM captures, processes, and shares information to gain a better understanding of their needs, whether they are on-site or in transit. In 2017, UNICEF and IOM launched the [DTM for Children on The Move project](#), which aims to improve the evidence-base of needs and risks faced by children in situations of forced displacement or migration to facilitate timely and informed child protection and education humanitarian response.⁸⁴
- Under the joint Secretariat chaired by UNICEF, and together with IOM, UNHCR, Eurostat and OECD, the ***International Data Alliance for Children on the Move (IDAC)*** is a cross-sectoral global coalition dedicated to improving data collection,

80 Marcus, R., et al. 2023. [Children on the Move in Latin America and the Caribbean: Review of the evidence](#). UNICEF LACRO, p.4.

81 The IOM-government DTM Matrix is a key tool to use where appropriate, and the data used to provide timely, effective services for affected populations.

82 United Nations Children's Fund, '[Child Protection Systems Strengthening: Approach; Benchmarks; Interventions](#)'. New York, 2021, p. 43.

83 Surveys can include Multiple Indicator Cluster Surveys [MICS] and Violence Against Children Surveys [VACS], and census data. Recognizing there is less information on internal migration and children remaining behind.

84 UNICEF and IOM. [Displacement Tracking Matrix \(DTM\) for Children on the Move Project Summary](#). 2023.

analysis, sharing and use to inform policymaking and programming to protect and empower migrant and displaced children. Since it was established in 2020, IDAC has been driving global efforts to build or strengthen national data capacity, develop common standards and indicators to better count and address the socio-economic needs of children on the move, and to promote innovative partnerships and joint solutions.

- Together with its newest partner, the ***Migration Youth and Children Platform (MYCP)***, IDAC launched a global pledge, *From Promises to Action: Towards better data for migrant and displaced children*, calling on Member States and key stakeholders to commit to specific activities and solutions to ensure that national data systems and efforts are child-sensitive and responsive to the unique needs of children on the move.
- In ***Kazakhstan***, the recent *Situation Analysis of Children* included information on stateless persons, migrants and refugees and affected children recognizing that in recent years many labour migrants had moved to the country. The report underscored the importance of these children being able to access services, and highlighted the challenges faced by stateless children who may have been unable to have their births registered until their parent(s) are confirmed to be stateless and obtain documentation.⁸⁵

85 United Nations Children's Fund (UNICEF). *A Situation Analysis of Children in Kazakhstan*. 2019, p. 57.



Photo : © UNICEF/U.S. CDC/Unique Identifier/Florence Goupil

V. THE ROLE OF KEY STAKEHOLDERS IN CPSS

A holistic approach to inclusion recognizes all those involved in systems strengthening. Here we explore the role these stakeholders can play.

GOVERNMENTS AS PRIMARY DUTY-BEARER

Governments are the primary duty bearer towards children and have the primary responsibility for a rights-compliant legislation, policy, and service provision for children across the full spectrum of their rights. Governments and their respective ministries must take the lead in adopting and implementing an inclusive, child-rights- approach to children in the context of migration.

Regional Economic Communities (RECs), comprised of member states, must develop guidance, provide technical support, and promote valuable fora for coordination and sharing of ideas, including shared experiences and best practice. This will enable member states to commit to moving forward regionally in a coordinated manner, while promoting change and implementation at the national and sub-national level. Regional human rights bodies should also play a role.

CHILDREN, YOUTH, PARENTS/CAREGIVERS, AND COMMUNITIES

Children, youth, parents/caregivers, and communities are central to child protection systems and are active agents in strengthening inclusion into host communities.⁸⁶ As rights-holders, their voice is integral to the conversation on strengthening response systems. Increasingly there is recognition of the need to enable affected populations to share their concerns and reflections throughout the migration journey, whether it is seasonal, or during transit, or if the child is staying for a longer period.

CIVIL SOCIETY, INCLUDING COMMUNITY-BASED ORGANIZATIONS AND NATIONAL NGOS

Civil society organisations play a vital role in promoting a protective environment for children and are part of national child protection systems. For many children and their parents/caregivers, local community-based organizations (e.g., schools, religious organizations, community centers, etc) may be their first point of contact when they have questions or need to access certain services. These local organizations have strong ties to the communities in which they operate and work, generally working with religious leaders, village elders or municipal authorities.

86 International Organization for Migration, [Reintegration Handbook: Module 6 – A Child Rights Approach to The Sustainable](#)

DONORS

Donors should work with national governments and UN agencies to promote programming inclusive of children in the context of migration into national systems. “Consistent, long-term support through bilateral, regional or international programmes, prioritizing interventions and capacity development at the local level” is fundamentally important for effective, sustainable programming.⁸⁷

PRIVATE SECTOR AND PHILANTHROPIC FOUNDATIONS

Private companies can support the families of their employees. This includes employees who have migrated internally or internationally, including those who have migrated seasonally. Companies and businesses can use their position to strengthen child protection systems through a number of different actions, for example: providing fair and equitable parenting policies; providing comprehensive and affordable insurance schemes for the whole family and promotion of decent work/life balance; contributing to state policies that uphold children’s rights; aligning company policies with international law and frameworks concerning children’s rights and migration; supporting and advocating for effective state policies that combat child labour, prevent trafficking, and respond to other forms of violence, exploitation and abuse; and set up due diligence systems for the supply chains. Philanthropic foundations can also support communities, governments, and private companies to invest in innovative support for children and their families.

Reintegration of Migrant Children and Families. 2020, p. 200.

87 International Organization for Migration, [Reintegration Handbook: Module 6 – A Child Rights Approach to The Sustainable Reintegration of Migrant Children and Families](#). 2020, p. 200.



ANNEXES

ANNEX I: KEY TERMS

ASYLUM-SEEKER: “An asylum-seeker is an individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum-seeker.”⁸⁸

BEST INTERESTS OF THE CHILD: “The best interests of the child should be ensured explicitly through individual procedures as an integral part of any administrative or judicial decision concerning the entry, residence or return of a child, placement of care of a child, or the detention or expulsion of a parent associated with his or her own migration status. Considering the best interests of the child in the case of migrant children means finding a sustainable solution that secures their long-term protection, survival and development needs whether they are within a family, unaccompanied or separated from their parents or caregivers. For unaccompanied children, family tracing and reunification if found to be in the child’s best interests, alternative care and guardianship arrangements need to be ensured prior to return and to support the reintegration process. Return should not be pursued where it is contrary to the best interests of the child.”⁸⁹

CHILDREN ON THE MOVE: “Children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement while it may open opportunities might also place them at risk (or increased risk) of economic or sexual exploitation, abuse, neglect, and violence.”⁹⁰

CHILD PROTECTION SYSTEMS: Systems built upon “certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect, and exploitation of children. A child protection system is generally agreed to be comprised of the following components: human resources, finance, laws and policies, governance, monitoring, and data collection as well as protection and response services and care management. It also includes different actors – children, families, communities, those working at sub-national or national level and those working internationally. Most important are the relationships and interactions between and among these components and these actors within the system. It is the outcomes of these interactions that comprise the [child protection] system.”⁹¹

88 UNHCR, *UNHCR Master Glossary of Terms Rev. 1*, Status Determination and Protection Information Section, Division of International Protection, Geneva, 2006. [See also: UNHCR, [UNHCR 2022 Master Glossary of Terms](#).

89 International Organization for Migration, [Reintegration Handbook: Module 6 – A Child Rights Approach to The Sustainable Reintegration of Migrant Children and Families](#). 2020, p. 201.

90 Inter-Agency Group on Children on the Move, UN High Level Dialogue on Migration and Development 2013: Why Children Matter, Background Paper, April 2013.

91 United Nations Children’s Fund, [Child Protection Systems Strengthening: Approach, Benchmarks, Interventions](#), UNICEF, New York, 2021, p.

DURABLE SOLUTIONS: In the context of the unaccompanied or separated child, a durable solution is a “sustainable solution that ensures that the unaccompanied or separated child is able to develop into adulthood, in an environment which will meet his or her needs and fulfil his or her right as defined by the Convention on the Rights of the Child. Because the durable solution will have fundamental long-term consequences for the unaccompanied or separated child, it will be subject to a Best Interests Determination. A durable solution also ultimately allows the child to acquire, or to re-acquire, the full protection of a State.”

HUMAN TRAFFICKING AND TRAFFICKED CHILDREN: Article 3, paragraph (a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* defines ‘trafficking in persons’ as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Concerning children under the age of 18, the issue of consent is irrelevant as outlined in paragraph (c), “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.”⁹²

INTERNALLY DISPLACED PEOPLE: “Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular because of or to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised border.”⁹³

MIGRANT: An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students. *Note: At the international level, no universally accepted definition for “migrant” exists. The present definition was developed by IOM for its own purposes and it is not meant to imply or create any new legal category.*⁹⁴

92 Resolution adopted by the United Nations General Assembly, ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime’, A/RES/55/25, 15 November 2000.

93 OHCHR, *Guiding Principles on Internal Displacement*, 1998.

94 IOM, *Key Migration Terms*

MIGRATION: “Population movement, either across an international border, or within a State, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.”⁹⁵

MIXED MIGRATION: Mixed migration refers to “cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. Motivated to move by multiple factors, people engaged in mixed migration have different legal statuses, and face a variety of vulnerable situations. Although entitled to protection under international human rights law, they may often be exposed to multiple rights violations along their journey. Moreover, refugees and migrants travel along similar routes, using similar means of travel – often travelling irregularly and wholly or partially assisted by human smugglers.⁹⁶ Organizations refer to mixed migration through a variety of terminologies. [IOM](#) uses “mixed movements” (although also refers to “mixed migration” or “mixed flows”) to describe the various migration statuses for those travelling along the same migration routes and using the same forms of transportation, yet highlights that the status of those in mixed movements is driven by different reasons.⁹⁷

REFUGEE: “The 1951 Refugee Convention determines that a refugee is someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.”⁹⁸

RESETTLEMENT: “The transfer of refugees from the country where they received refugee status to another State that has agreed to admit them. The refugees will usually be granted asylum or some form of long-term resident rights and, in many cases, will have the opportunity to become naturalized citizens. Resettlement is a durable solution as well as a tool for the protection of refugees.”⁹⁹

RETURNEE: Anyone who has migrated and subsequently returned back to their country of origin or where they have permanent right to remain.

SEPARATED CHILDREN: “Children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may include children accompanied by other adult family members.”¹⁰⁰

95 Ibid.

96 Mixed Migration Centre, 2019.

97 International Organization for Migration (IOM). No. 34. [International Migration Law. Glossary on Migration](#). 2019.

98 [UNHCR, Master Glossary of Terms](#), 2022.

99 UNHCR, [Master Glossary of Terms Rev. 1, Status Determination and Protection Information Section, Division of International Protection](#), Geneva, 2006.

100 Committee on the Rights of the Child, General Comment No. 6 (2005), [Treatment of unaccompanied and separated children outside their country of origin](#), 2005, paras. 7-8. See: UNHCR, UNICEF, et al., [Inter-agency Guiding Principles on Unaccompanied and Separated Children](#), Geneva, 2004.

SOCIAL SERVICE WORKFORCE: Consists of paid and unpaid, governmental and non-governmental professionals and para-professionals who work to ensure the healthy development and well-being of children and families. The social service workforce focuses on preventative, responsive and promotive programmes that support families and children in communities by alleviating poverty; reducing discrimination; facilitating access to services; promoting social justice; and preventing and responding to violence, abuse, exploitation, neglect, and family separation.¹⁰¹

STATELESS PERSON: “A person who is not considered as a national by any State under the operation of its law, either because they never had a nationality, or because they lost it without acquiring a new one.”¹⁰²

UNACCOMPANIED CHILDREN: “Children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.”¹⁰³



© UNICEF/UNI452309/lzquierdo

101 United Nations Children’s Fund, *Guidelines to Strengthen the Social Service Workforce for Child Protection*, UNICEF, 2019, p. 9. [Noting the social service workforce is broader than just child protection.]

102 UNHCR, Master Glossary of Terms, 2022.

103 Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of unaccompanied and separated children outside their country of origin, 2005, paras. 7-8. See also: UNHCR, UNICEF, et al., *Guidelines on Unaccompanied and Separated Children*, Geneva, 2004.

ANNEX II: STRATEGIC QUESTIONS WHEN APPLYING CPSS TO CHILDREN IN THE CONTEXT OF MIGRATION

Key stakeholders must consider how best to operationalise the CPSS approach in their work with children in the context of migration. This section offers a non-exhaustive list of questions that are organised according to context and as well as each of the seven CPSS elements described in the technical note. The questions are designed to offer stakeholders concrete ways of thinking through the types of information that they may need to pursue when it comes to inclusive child protection system strengthening in a particular context.¹⁰⁴

COUNTRY CONTEXT: SAMPLE QUESTIONS FOR CONSIDERATION

- What is the level of maturity of the child protection system in the country context (i.e., system building, system enhancement, system integration, or system maturity)¹⁰⁵?
- Who are the children in the context of migration in terms of migration typology (e.g., asylum-seeking, refugee, remaining behind, returnee, separated, stateless, trafficked, unaccompanied, etc.) and demographic features (e.g., age, gender, ethnicity, etc.)?
- Where do children in the context of migration reside in the country?

APPLYING THE 7 ELEMENTS OF CPSS TO CHILDREN IN THE CONTEXT OF MIGRATION: SAMPLE QUESTIONS FOR CONSIDERATION

ELEMENT #1: LEGAL AND POLICY FRAMEWORK

- Does the authority or ministry responsible for child protection have some specific responsibility and mandate for children in the context of migration? If yes, are they responsible for internal and/or international migrants?
- What potential changes are required to better address inclusion in the legal and regulatory framework?
- Does national legislation allow for child immigration detention (in contravention of international law)?

ELEMENT #2: GOVERNANCE AND COORDINATION STRUCTURES

- Are national child protection coordination mechanisms inclusive of children in the context of migration?
- Does the Ministry/entity responsible for child protection lead coordination and response

104 See UNICEF's 'Child Protection Systems Strengthening: Approach; Benchmarks; Interventions' and accompanying resources for further background information, including on measuring the progress of CPSS interventions and benchmarks for Child Protection Systems Strengthening.

105 Ibid.

in relation to children in the context of migration?

- What firewalls are in place between national child protection and migration authorities?
- Does the legislation mandating social service workers and paraprofessionals include responsibility for all children in the territory (i.e., non-national children)?
- Do child protection coordination mechanisms include partnerships/referrals with other sectors?

ELEMENT #3: CONTINUUM OF SERVICES

- Do national/state level child protection services provide services at scale to meet the rights and needs of all children in the territory (e.g., case management, foster care, etc.)?
- Are case workers trained on national SOPs or protocols (rather than agency-specific SOPs) for case management and referral; and if so, do these SOPs protocols include children in the context of migration?
- Are children in the context of migration included in national case management service provision and/or referral services?
- Are social service workers trained on identifying and assessing risks and experiences of children in the context of migration?
- Are border officials trained to assess risks and make referrals for children in the context of migration, including prevention of family separation, family tracing and reunification?
- Are there timely and safe exchanges between child protection and migration authorities on data related to children in the context of migration (internal migration, international migration, children remaining behind)?
- Is there a shared database (rather than parallel systems) when it comes to child protection and refugee protection case management information management systems?

ELEMENT #4: MINIMUM STANDARDS AND OVERSIGHT MECHANISMS

- Is there a mechanism for the authorities to provide oversight and monitoring of the quality of the services provided for children in the context of migration and host communities?
- Are children in the context of migration included in national referral mechanisms?

ELEMENT #5: HUMAN, FINANCIAL AND INFRASTRUCTURE RESOURCES

- Is there an accreditation system in place for the child protection social service workforce?
- To what extent are the social service workers trained on child-sensitive procedures and the rights of children in the context of migration?
- Does the government fund child protection services for children in the context of migration?
- Do national budgets include specific provisions for services to uphold the rights children in the context of migration?

ELEMENT #6: MECHANISMS FOR CHILD PARTICIPATION AND COMMUNITY ENGAGEMENT

- Do child-friendly independent complaints mechanisms exist for children? If so, is this mechanism able to accommodate the concerns of children in the context of migration?
- Does the government support forums at the local level where children can discuss issues and provide feedback to service providers? If so, what provisions are in place to encourage children in the context of migration to participate in such fora?

ELEMENT #7: DATA COLLECTION & MONITORING SYSTEMS

- Is there timely and safe exchange between child protection and migration authorities on migration data (e.g., data on social welfare, justice, legal identify and birth registration)?
- Are children in the context of migration included in national surveys, assessments, or census activities? If so, how, if at all, is reporting disaggregated?
- What policies and procedures exist to ensure safe and secure data management (including data sharing protocols) to minimize protentional harm to children?

ANNEX III: KEY RESOURCES

Association of Southeast Asian Nations (ASEAN), [ASEAN Declaration on the Rights of Children in the Context of Migration](#), 2 November 2019.

Association of Southeast Asian Nations (ASEAN), [Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration](#).

Cano, Natalia Alonso and Irina Todorova, Towards child-rights compliance in return and reintegration, [Migration Policy Practice: Special Issue on Return and Reintegration](#). Vol IX, Number 1, January-March 2019; pp.15-21.

Committee on the Rights of the Child, [General Comment No. 6 \(2005\) Treatment of Unaccompanied and Separated Children Outside Their Country of Origin](#). 1 September 2005.

Committee on the Rights of the Child, [2012 day of general discussion: The rights of all children in the context of international migration](#). 28 September 2012.

Committee on the Rights of the Child, [2012 Day of General Discussion: The Rights of All Children in the Context of International Migration. Background Paper](#). August 2012.

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child. [CMW/C/GC/3-CRC/C/GC/22, Joint general comment No. 3 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 \(2017\) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration](#). 16 November 2017.

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child, [Joint general comment No. 4 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 \(2017\) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return](#). 16 November 2017.

European Network of Ombudspersons for Children. [Recommendations for safeguarding and protecting the rights of children on the move: The challenge of social inclusion](#). Regional Meeting of European Children's Ombudspersons. Athens, 13 November 2017.

Government of Egypt, National Council for Childhood and Motherhood. [Standard Operating Procedures for the Protection and Assistance of Child Asylum-Seekers, Refugees and Victims of Migrant Smuggling and Trafficking in Persons](#). 2020.

Hovil, Lucy, Mark Gill, Iolanda Genovese, Olivia Bueno, Josiah Kaplan and Ramya Subrahmanian, [Reimagining Migration Responses: Learning from children and young people who move in the Horn of Africa](#), UNICEF Office of Research – Innocenti, Florence, 2021.

Inter-American Commission on Human Rights, [Practical Guide on How to Protect Family Unity and Reunification More Effectively in Human Mobility and Mixed Movement Contexts During the Ongoing COVID-19 Pandemic](#), 24 September 2021.

International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families. Adopted by General Assembly resolution 45/158 of 18 December 1990.

International Data Alliance for Children on the Move, 'Getting to Know Children on the Move: Key terms, definitions and concepts', 2023

International Data Alliance for Children on the Move (IDAC), IDAC Data InSight #1, '[Missing from the Story: The urgent need for better data to protect children on the move](#)', 2021.

International Data Alliance for Children on the Move (IDAC), 'Data and Statistics for Children on the Move: Essential sources and good practices', 2023

International Organization for Migration, [IOM Child Protection Programming. Addressing the Needs of Migrant Children](#). (date not provided).

International Organization for Migration, [IOM Guidance on Response Planning for Migrants Vulnerable to Violence, Exploitation and Abuse](#). 2019.

International Organization for Migration, [IOM Guidance on Referral Mechanisms for the Protection and Assistance of Migrants Vulnerable to Violence, Exploitation and Abuse and Victims of Trafficking](#). 2019.

International Organization for Migration, [IOM Institutional Strategy on Migration and Sustainable Development](#), 2020.

International Organization for Migration, [IOM Migration Governance Framework](#). (no date provided).

International Organization for Migration, [Reintegration Handbook – Practical guidance on the design, implementation and monitoring or reintegration assistance](#). 2019.

International Organization for Migration, [Reintegration Handbook: Module 6 – A Child Rights Approach to The Sustainable Reintegration of Migrant Children and Families](#). 2020.

International Organization for Migration (IOM) and United Nations Children's Fund (UNICEF), Strategic Collaboration Framework between IOM and UNICEF (2022-2023). 18 May 2022.

International Organization for Migration (IOM) and United Nations Children's Fund (UNICEF), Strategic Collaboration Framework between IOM and UNICEF (2022-2023). 18 May 2022. Annex I: Examples of 'actionable commitments' within thematic priority areas for 2022-2023.

International Organization for Migration (IOM) and United Nations Children's Fund (UNICEF),

Strategic Collaboration Framework between IOM and UNICEF (2022-2023). 18 May 2022.

Annex II: Memorandum of Understanding between the United Nations Children's Fund and the International Organization for Migration. 14 September 2006.

International Organization for Migration, United Nations High Commissioner for Refugees, and United Nations Children's Fund, [Safety and Dignity for Refugee and Migrant Children: Recommendations for alternatives to detention and appropriate care arrangements in Europe](#). July 2022.

International Organization for Migration, [World Migration Report 2020: Chapter 8. Children and Unsafe Migration](#). 2019.

IOM and UNICEF. Case management for Children on the Move, Joint IOM – UNICEF guidelines for West and Central Africa. Internal document. May 13, 2022.

Pereira, K.C. and F. Araújo. [Integrating social protection and child protection services for better outcomes for children in the Middle East and North Africa](#). *Research Report*, No. 84. Brasília and Amman: International Policy Centre for Inclusive Growth and UNICEF Middle East and North Africa Regional Office. 2022.

UNHCR and UNICEF, [Inclusion of Refugee Children in National Child Protection Systems: Guidance for Practitioners in East Africa](#). 2017 (developed by Christina Torsein).

UNHCR and UNICEF, Inclusion Toolkit: Refugee Children in National Child Protection Systems. January 2022 (developed by Christina Torsein).

United Nations, [Convention on the Rights of the Child](#), United Nations, 20 November 1989.

United Nations Children's Fund, [A child is a child. Protecting children on the move from violence, abuse and exploitation](#). 2017.

United Nations Children's Fund, [Alternatives to immigration detention of children](#). February 2019.

United Nations Children's Fund, [Agenda for action for uprooted children. UNICEF calls for six actions to protect all refugee and migrant children](#).

United Nations Children's Fund, Checklist for Integrating Children on the Move in Country Programme Documents and National Committee Domestic Programming Strategies. (date not provided).

[UNICEF Child Protection Strategy 2021-2030](#).

United Nations Children's Fund, '[Child Protection Systems Strengthening: Approach; Benchmarks; Interventions](#)', 2021.

United Nations Children's Fund, '[Protecting Children on the Move During Infectious Disease Outbreaks: Lessons from UNICEF's COVID-19 response](#),' 2021.

United Nations Children's Fund, [Core Commitments for Children in Humanitarian Action](#), 2020.

United Nations Children's Fund, [Dashboard on the maturity of the child protection system](#). 2022.

United Nations Children's Fund, [Global Programme Framework on Children on the Move](#). November 2017.

United Nations Children's Fund, [Guiding Principles for Children on the Move in the Context of Climate Change](#). July 2022.

United Nations Children's Fund, UNICEF Handbook on Accountability to Affected Population 2020.

United Nations Children's Fund, [Measuring the Maturity of Child Protection Systems: A Guide on How to Use the CPSS Benchmarks](#). April 2022.

United Nations Children's Fund. [Technical Paper. 03.2020. The contribution Public Finance for Children can make to realizing child protection objectives.](#) UNICEF Child Protection Programme Division.

United Nations Children's Fund, [Reimagine Justice for Children.](#) 2021.

United Nations Children's Fund, [Technical Note. Social Protection for Children and Families in the Context of Migration and Displacement during COVID-19.](#) August 2020.

United Nations Children's Fund, ['Building Bridges for Every Child: Reception, Care, and Services to Support Unaccompanied Children in the United States,'](#) 2021.

United Nations Children's Fund, ['Child-Friendly Complaint Mechanisms'](#), National human rights institutions series: Tools to support child-friendly practices, 2019.

United Nations Children's Fund, ['Working Paper: Alternatives to Immigration Detention of Children,'](#) 2018.

United Nations Children's Fund, Executive Board. Second regular session 2021. 7-10 September 2021. [UNICEF Strategic Plan, 2022-2025.](#) 4 August 2021. E/ICEF/2021/25*

United Nations Children's Fund, International Federation of Social Workers, Alliance for Child Protection in Humanitarian Action, and the Global Social Service Workforce Alliance, [Social Service Workforce Safety and Wellbeing During the COVID-19 Response – Recommended Actions,](#) 2020.

United Nations Children's Fund
3 United Nations Plaza, New York, NY 10017, USA

International Organization for Migration
17 route des Morillons, 1211 Geneva 19, P.O. Box 17, Switzerland