Durable solutions for returnee children

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Durable solutions frameworks for measuring progress towards sustainable return and reintegration fail to specifically consider children's different needs and experiences.

In 2017, over 68 million people were forcibly displaced, over half of whom were below 18 years of age; in that same year, close to 670,000 refugees and 4.2 million IDPs returned to their places of origin. Despite robust legal conventions and frameworks protecting children's rights during and after return, it is clear that countries around the world are failing to uphold them. Furthermore, few actors gather child-specific data or follow up on child returnees, which makes it difficult to understand how – and where – returnee children are being failed, and how to address these failures.

Children have distinct vulnerabilities both physically and in terms of their psychosocial well-being, and often have less opportunity to express their own agency in decision making around migration choices. These age-specific vulnerabilities can compound the already considerable risks faced by all returnees. In recognition of their particular needs, and complementing Article 33 of the 1951 Refugee Convention regarding *non-refoulement*, the Convention on the Rights of the Child (CRC) indicates: "States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child."[1]

Returnee children should enjoy, among other factors and without discrimination, access to safety, an adequate standard of living, livelihoods, housing, documentation and access to justice as part of any durable solutions and sustainable reintegration. Commitments made by the international community towards enabling such rights, however, are only as good as the ability to verify progress towards achieving such conditions. Tools to measure and analyse progress towards sustainable return and reintegration have been developed, with common criteria defined by the Inter-Agency Standing Committee (IASC), but existing guidelines and frameworks do not contain indicators specifically tailored to measure the needs of children.

To address this gap, Save the Children has developed a new set of child-specific indicators to complement existing return and reintegration frameworks including, importantly, a new mental health and

psychosocial safety dimension, focusing on children's rights to play and socialise, their agency, their mental health and the availability of professional support.[2] Applying this framework, Save the Children and Samuel Hall conducted research in 2018–19 to ascertain the situation faced by children returned to four contexts: Syria, Iraq, Somalia and Afghanistan.[3] What emerges is a somewhat bleak picture: returnee children are slipping through the cracks, with little attention paid to their needs and little information collected about them.

Data and gaps

In the four return contexts examined, the lack of physical safety that was a root cause of people's initial displacement remains largely unchanged. Syria, Iraq, Somalia and Afghanistan are marked by indiscriminate violence, and physical abuse of children is common. Available evidence reviewed in our research indicates that returnee children are more likely than non-displaced children to experience detention and trafficking – particularly in Syria and Iraq. Data disaggregated by age and migration background do not exist regarding key indicators for physical safety, including child marriage and child labour.

Children who are unable to return to their original dwellings and are forced instead to live in temporary shelters or urban slums often struggle to access safe water and sanitation compared with non-displaced children. Comparatively lower nutrition indicators (among all returnees) are frequently a result of returnees' inability to access agricultural land. Health care is in a dire state across all four return contexts, with high infant mortality and low vaccination rates, but health-related data disaggregated by age and migration status are not routinely collected. In contexts where access to education is generally low, returnees face added difficulties such as their inability to cover school fees or their lack of identification documents.

In all four locations, returnee children appear to suffer clear comparative disadvantages in access to legal safety, legal identity, a functional judiciary, and freedom of movement. Compared with non-displaced children, they also experience higher levels of separation from families or guardians.

Returnee children also face comparative disadvantages in the provision of mental health support, although the impact of this gap on their psychological development is insufficiently measured or understood at present. Returnee children are consistently unable to access a nurturing and supportive social network or safe play environment. Many child returnees face psychosocial challenges which pose fundamental risks to their well-being, and professional support for these challenges is scarce to non-existent.

Implications

Knowledge and evidence gaps: Our research highlighted the pervasive lack of data and standards regarding return and reintegration conditions for children worldwide, and an urgent need for investment in improved data collection systems. In particular, we found a dearth of age-disaggregated data. Existing research on returned children is generally limited and anecdotal. The absence of such reliable data makes it impossible to establish baselines and measure progress in determining when and where children and their families have successfully reintegrated in their countries of origin. This in turn limits accountability, and poses challenges for those actors, including non-governmental organisations (NGOs) and government ministries, who should act as duty bearers for children. Without better data, designing and implementing effective programming for the safe return and, in particular, the sustainable reintegration of children is difficult. Conversely, the evidence gap challenges the ability of governments and other stakeholders to credibly claim that conditions for the safe and dignified return of children are, in fact, in place.

Basic protection standards are not in place: We see children returning to environments that do not enable them to fully access rights guaranteed in the CRC, including the right to

protection, education and health care. In other domains such as physical and material safety, available data point to many similarities between returnee and host children. This lack of differences, however, cannot be invoked to justify the return of children if a return context remains unsafe in the first place.

Lack of sustainable support post-return: Many returning countries perceive their legal responsibility as ending when children arrive in their country of origin. There is limited communication between actors involved in returns, such as migration agencies, embassies, government authorities and NGOs in countries of return. Finally, benefits provided to voluntary returnees (such as in-kind support) are often given at the family level, not necessarily benefiting children.

Lack of pre- and post-return support: Our findings also draw attention to a broader lack of focus and investment of resources for both pre-return support and longer-term post-return reintegration support within the broader returns debate. This gap is manifested, in part, by a widespread lack of accountability relating to the absence of adequate measurement of reintegration outcomes, and by the insufficiency of existing standards to guide rights-based returns and reintegration work.

Recommendations

Children should not return until the standards for their safe and dignified returns can be met. Mechanisms must be in place to set standards and measure progress, to ensure that children and their families are achieving durable solutions following their return.

Migration-mandated actors and child protection agencies must work together in establishing minimum standards for rights-based child returns and reintegration. Moving beyond recognition of this point, however, the real work involves addressing practical, technical questions of how to further develop and gain support for implementation of indicators for measuring progress towards child-friendly returns environments. These indicators must relate to data that can realistically be collected in challenging real-world displacement contexts. This methodological discussion requires collaborative engagement between displacement-mandated stakeholders, academia and the wider research community.

It is essential to view returns as a process, not a single event, and to guarantee the rights of children through the entire return journey. A lack of adequate support can have impacts measured not just in years but in decades, which in turn has substantial long-term implications for the wider country, regional and even global contexts. Framed in this sense, supporting preparation before and sustainable reintegration after return is a necessity – not just an 'add-on' to established returns programming.

At the same time, we must recognise that millions of displaced people routinely self-organise their returns – and that such returns often take place before safe and conducive reintegration conditions exist on the ground. The decisions made by these 'spontaneous' returnees are driven by a complex mix of inter-related motivations. A clear research priority here is understanding the role of children in complex collective decision-making processes, and the impact these decisions have on their well-being.

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1. Convention on the Rights of the Child, General Comment 6 www.ohchr.org/en/professionalinterest/pages/crc.aspx

2. Save the Children (2018) *Durable Solutions for Children Toolkit* bit.ly/Save-DurableSolutionsToolkit

3. Save the Children/Samuel Hall (2018) *Achieving Durable Solutions for Returnee Children: What do we know?* bit.ly/Save-SamuelHall-returnees-2018