



EXECUTIVE SUMMARY

**ACHIEVING DURABLE
SOLUTIONS FOR
RETURNEE CHILDREN:
WHAT DO WE KNOW?**



Save the Children



Mark Kaye / Save the Children

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When refugee and internally displaced children return home, they rarely return to the life they used to know. Instead, they must regularly reintegrate into societies that are not sufficiently resourced to support them, or that even infringes on their human rights. As returns reach record highs, two fundamental questions arise:

- **how do we guarantee minimum standards for safe and dignified returns, and equally important**
- **how do we measure the extent to which children have successfully reintegrated into their communities?**

There is very little data available on the subject, partly because the existing tools used to answer these questions are ‘child blind.’ Consequently, to address this gap, Save the Children’s Migration and Displacement Initiative (MDI) built upon existing return and reintegration frameworks and incorporated what we believe are particularly relevant child-specific indicators. We then piloted this indicator framework in four major return contexts: Afghanistan, Iraq, Somalia and Syria. This study is the first to use these child sensitive durable solutions indicators and generate a preliminary set of data, and provides the first comparative analysis of return conditions using this data. With the ‘baseline’ analysis provided in this report, stakeholders can make more informed programming decisions for returnees and commission more in-depth and longitudinal research into this vital area of study.

This report demonstrates the clear value of viewing durable solutions frameworks through a child-focused lens. Initial data show us that, across the four return contexts, core elements of a safe and dignified return are typically missing. There is a widespread lack of focus on child mental health, and returnee children appear to suffer comparative disadvantages in access to legal safety – including access to legal identity, a functional judiciary, and freedom of movement. Additionally, whilst this preliminary data suggests, for the most part, little difference in the physical and material safety of both returnees and non-returnees, this lack of difference cannot be invoked to justify the return of children if a return context remains unsafe in the first place.

These findings underscore the need for better data and evidence around children's return and reintegration environments to accurately understand both the challenges, and potential future opportunities, which face children, unaccompanied or within families, returning to their countries of origin. At the same time, the study provides a call to action for all migration-mandated actors and child protection agencies to work together in establishing minimum standards for rights-based returns and reintegration cognisant of the risks and potential vulnerabilities that surround children, and in particular unaccompanied minors.

Context

The need for this data and comparative analysis is an urgent issue in today's world, when forced displacement and returns have reached record highs. Over 68 million people were forcibly displaced as of 2017, 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.¹

These returns represent a key focus of the global migration agenda and debate. Re-entering one's place of origin after a period of displacement should mark a return to normality. Return is often a preferred solution next to integration and resettlement – and appropriate when adequate enabling conditions for successful return are met and parties agree.

In practice, however, the return and reintegration process for displaced children unaccompanied or within their families is fraught with serious challenges. States are increasingly pushing for 'return-first' approaches, but often before conditions for a safe and dignified return are met. This approach has focused on the initial physical relocation of a child back to her/his country of origin, but overlooked the longer-term challenges of *reintegrating* that child back into their host society – a complex process requiring support over many months, or years.

Rationale for this study

The lack of data regarding return conditions for children compounds these challenges. There are several established tools that allow us to measure and analyze return and reintegration contexts and progress towards a durable solution. These include, among others, the Inter-Agency Standing Committee (IASC) framework. Yet despite the fact that over 50% of displaced are children, these existing tools do not easily allow for focusing on children journeying alone or with care givers.

What this study contributes

To address this data gap, Save the Children has built upon existing durable solutions frameworks to incorporate child-specific indicators. Our resulting CSDF used indicators aligned with UNCHR's three core safety dimensions for return – material, legal and physical – and closely references Inter-Agency Standing Committee (IASC), Joint IDP Profiling Service (JIPS) and Regional Durable Solutions Secretariat's durable solutions indicator frameworks. To these it adds a fourth, mental health and psychosocial safety (MHPSS), which we increasingly view as a key dimension in children's safety, as traumatic incidents in childhood can lead to poor mental health throughout adulthood. All dimensions contain household level and child-specific indicators.

While the child sensitive indicators are designed to capture the degree to which both returning and displaced children have access to key dimensions of safety, the following study specifically focuses on returnees. We piloted the CSDF in 4 of the most important current return contexts – Afghanistan, Iraq, Somalia and Syria – to develop a baseline of what is known (and what is not) about return conditions for displaced children in each country.

Collecting data has been challenging, and often data, if age disaggregated does not easily distinguish between IDPs, refugee or IDP returnees and does also not easily allow for a specific highlight of particular risks and vulnerabilities for unaccompanied minors. We attempt to flag this when relevant throughout the report.

¹

UNHCR, 2018. Global trends in forced displacement in 2017. Retrieved from <http://www.unhcr.org/5b27be547>

What rights are at stake, and how are they under threat?

Returnees benefit from the protection of human rights under international law instruments. Beyond the international bill of human rights, and in recognition of their particular emotional, physical and psychological vulnerability, children have a set of human rights specific to them. The Convention on the Rights of the Child (CRC) indicates that: “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.” This definition is more protective than other definitions of non-refoulement.

Despite these stated protections, many child returnees arrive back in countries of origin which are not safe, in which basic humanitarian standards are not met, in which their rights are not respected, and their psycho-social well-being not guaranteed, and without sufficient information on the contexts and without the means to plan for their own reintegration. There are several well-established frameworks to assess these situations, but this study is the first to make those assessments through a child-focused lens.

Evaluating return conditions: Building and applying child sensitive indicators

Initial data and new insights generated by the child sensitive indicator pilot and discussed in this study show the value of building upon existing durable solutions frameworks with a specific emphasis on children. The study is envisioned as complementary to the other assessment tools discussed above, but expressly does not replace existing mandated processes to determine return and protection concerns. Rather, the main purpose is to enable child rights and child protection-mandated stakeholders to better engage with children within displaced and migrant populations.

The child sensitive solutions indicators, in tandem with additional sources from the evidence base and existing frameworks, were used to analyze gaps in reintegration outcomes. The results are presented through four individual country case studies, and a policy brief which presents a concise comparative overview of the rights of child returnees across all four contexts of return.



Noelle Ibarra / Save the Children

Findings

The rights of returnee children are not being met in all four contexts

This report strongly confirms that across all dimensions of safety captured by the indicators, children's rights are not currently met in Afghanistan, Iraq, Somalia and Syria. Children in these countries cannot universally be considered safe, a key obstacle to the fostering of durable solutions of any kind.

At the same time, findings offer several important nuances to this point.

- Even though child rights are not guaranteed, spontaneous returns still take place even in unsafe conditions. In addition, voluntary repatriations and deportations occur frequently both from neighboring countries and the Global North.
- Baseline data generated by the Child Sensitive Durable Solutions indicator pilot suggests returned and non-displaced children share many conditions of material and physical safety. However, returnee children and their families face a number of distinct disadvantages compared to host communities, often related to difficulties in accessing housing, land and property.
- Children unable to return to their original dwellings and forced to turn to temporary shelters or urban slums, or otherwise affected by housing, land and property issues, often struggle to access safe water, sanitation and hygiene (WASH) compared to non-returnees. Comparatively lower nutrition indicators are frequently a result of inability to access agricultural land.
- Returnee children also face substantial challenges in accessing education – there might be insufficient places available, fees might be too high, they lack identification documentation required for registration, or they suffer discrimination. Only half of refugee children attend school, and upon return, these figures are even lower.
- In all four locations, returnee children appear to suffer clear comparative disadvantages in access to legal safety, higher levels of separation from families or guardians, access to legal identity, a functional judiciary, and freedom of movement. Specifically, none of these contexts are conducive to the return of unaccompanied minors.

- Returnee children face comparative disadvantages in mental health safety, 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 environments. Many child returnees face psychosocial challenges which make reintegration difficult and pose fundamental challenges to their well-being, and professional support for these challenges is scarce to non-existent. These disadvantages can have a substantial impact on their life chances.

Implications

Standards are insufficient to guide rights-based returns and reintegration work

- If basic protection standards cannot be guaranteed upon return by states (in absolute, rather than relative terms), state-facilitated returns should be avoided. Child rights stakeholders must also work to continually improve return conditions for the significant numbers of displaced who voluntarily repatriate. Yet current measurable returns standards to guide such work, including crucial indicators such as education, safety, legal documentation and health, are insufficient across the four realms covered by the child-sensitive durable solutions indicator framework, as well as specific indicators for unaccompanied minors are lacking

Limited accountability: reintegration outcomes are not being adequately measured

- The research sheds light on glaring data gaps in return conditions and the measurement of reintegration outcomes, particularly a dearth of age-disaggregated data. The absence of such reliable data challenges migration-mandated actors, including NGOs and government ministries, to fulfil their important agendas as duty bearers for children by designing and implementing effective programming for the safe return and, in particular, sustainable reintegration and maximized potential benefit of child returnees. This gap warrants investment in improved data collection systems.
- At the same time, initial data and new insights generated by the child sensitive indicators show the value of building upon existing durable solutions frameworks through a child-focused lens. This evidence base of children's return and reintegration environments stands to improve further as it is replicated in other contexts beyond Afghanistan, Iraq, Somalia and Syria.

Recommendations

Our recommendations fall into three main categories, all of which validate emerging best practice from return situations.

- 1 Embedding the principles of child-sensitive programming in all returnee contexts;
- 2 Establishing minimum standards and guaranteeing the rights of children through the return journey, from preparation through to integration; and
- 3 Closing the data gap and setting the goalposts for research, using the CSDF indicators.

Embed the principles of child-sensitive programming in all returnee contexts

- Ignoring the unique needs of over half the population of returnees only leads to unique problems for those returnees. Stakeholders devising and executing policy must embed child-sensitive principles in their work, in order for their programming to be successful.
- Principles of child-sensitive programming include always keeping the best interests of the child front and center, incorporating the specific vulnerabilities of disabled children and unaccompanied minors, raising awareness at the government level, consultative programming that recognizes the agency of those returning to their places of origin, maintaining a long-term perspective, and including multiple stakeholders in planning.



Minzqar Oo / Panos / Save the Children

Strengthen minimum standards for children's rights-based return and reintegration

- Universal basic thresholds of physical, material, legal safety, and psychosocial well-being are insufficiently child-sensitive, and must be improved and better adapted to local contexts by the community of practice. In the absence of such standards, development efforts lack clearly defined 'goalposts'.
- If reintegration means the child will still face material and/or physical risks, in, for example the same way host children are facing them, they should not be forcibly returned. Returning a child to unsafe conditions threatens *non-refoulement*.

If returns can be sanctioned – precautions, preparation, and post-return assistance

- Prior to a child's return, ensure that that an appropriate initial assessment of the return environment is part of established good practice around reintegration management and support. (Alongside other established good practice such as best interest determination processes, identifying suitable caregivers for unaccompanied minors, safe passage to the ultimate destination and, crucially, provision with valid documentation and information).
- Post-return assistance is essential, and must be targeted on gaps (identified in this report) where child returnees face displacement-related vulnerabilities. These range from protection from detention upon return, assistance for legal challenges frequently faced by returnees, shelter support for those gravitating towards urban slums, improved MHPSS support, and the need for proper best interest determination processes and case management systems. Adopting the lens of displacement-affected communities and area-based approaches, programming should foster social cohesion by including the host community. It is important to maximize positive development outcomes of returns by taking a holistic approach, encouraging both the returnee and host populations to rebuild the community.
- Return rarely means return to a situation identical to the one pre-departure – a long-term perspective must consider broad and comprehensive approaches, including peace-building/reconciliation, reconstruction and development activities at national and local levels, in order to create the self-reliance, which lies at the core of durable solutions initiatives.



Increase knowledge, close data gaps for mobilization and accountability

- More comprehensive, child-sensitive mapping of returnee needs in local contexts, including focus on displaced children and unaccompanied minors, using a common results framework and agreed-upon indicators, is essential to improve tailored reintegration programs.
- The child sensitive solutions indicators represent an important first step in this direction. While there is still a need for further refinement, it nonetheless demonstrates the value of adding a child-sensitive lens to existing durable solutions frameworks and should be rolled out in more countries to improve the sample size and generalizability of comparison. Essentially, future research and use of the indicators should build the goalposts for best practices in returns.
- Using common indicators, monitoring and evaluating returnee outcomes over time will allow better understanding of what works in which contexts. This data, in turn, offers an important foundation for child rights-mandated stakeholders to become systematically engaged in displacement-related topics. With new goalposts set, child rights-mandated stakeholders can set and meet minimum standards across all child-sensitive indicators for returnee children.

Data used

This study builds on publicly available data, Save the Children's indicator guidance and Samuel Hall's previously-published returns research. Findings from each country are triangulated with publicly available data, to provide the first comparative analysis of existing information regarding return conditions for children in four illustrative country contexts.



Save the Children

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Save the Children International
St Vincent's House
30 Orange Street
London
WC2H 7HH
United Kingdom
+44 (0)20 3272 0300
www.savethechildren.net

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