

Conceptualising Child Refugees:

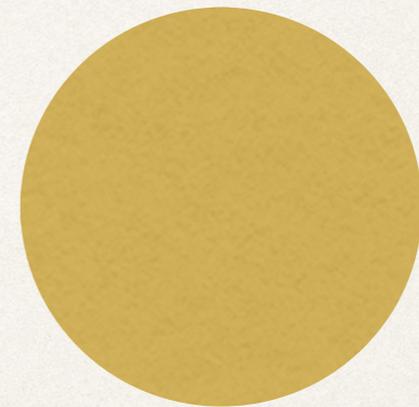
A review of child-specific forms of persecution considering developments in the international children's rights law and refugee law frameworks

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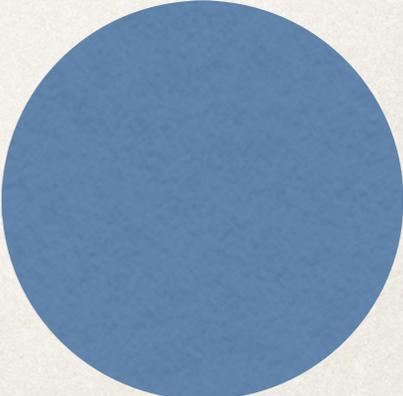
27 November 2014

Children as rights holders

- ❖ Save the Children Movement Fund & Union, 1919/1920
- ❖ Declaration of the Rights of the Child, 1924/International Child Welfare Congress, 1925
- ❖ United Nations International Children's Emergency Fund, 1946 (UNICEF)
- ❖ Universal Declaration of Human Rights 1948
- ❖ Declaration of the Rights of the Child, 1959
- ❖ Convention on the Rights of the Child, 1989

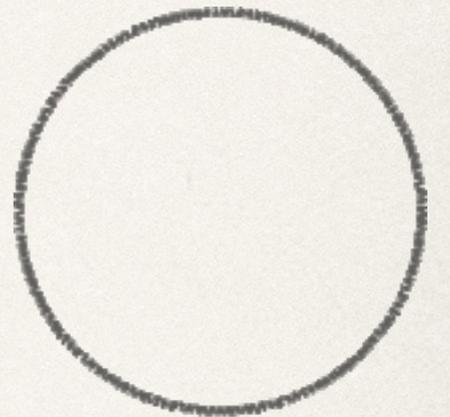


Children needing international protection

- ❖ League appointed the first High Commissioner for Refugees, 1921
 - ❖ Nansen Papers, 1922
 - ❖ League of Nations made its first attempt at defining refugees, 1926
 - ❖ League of Nations expanded the remit of the application of those in need of identity documents and introduced non-refoulement, 1928 Arrangement
 - ❖ 1933 Refugee Convention
 - ❖ International Refugee Organization 1946
 - ❖ Universal Declaration of Human Rights, 1948
 - ❖ Convention relating to the Status of Refugees, 1951
 - ❖ New York Protocol 1967
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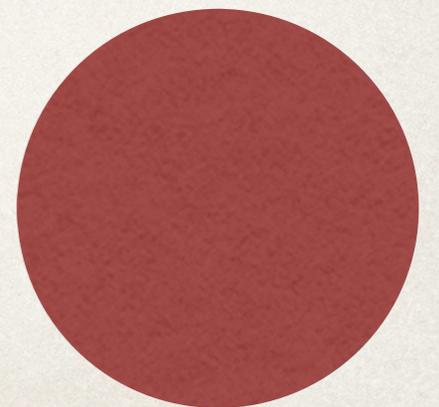
The intersection of children's rights and refugee law

- ❖ + Kindertransport and other initiatives
- ❖ + 1946 IRO Statute
- ❖ - 1951 Convention relating to the Status of Refugees, 5 grounds: race, nationality, religion, political opinion and membership of a particular social group

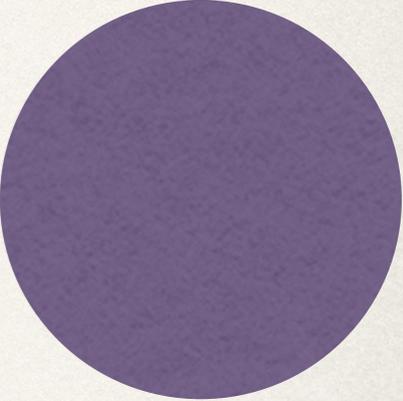


Categorisations of child refugees post CRC

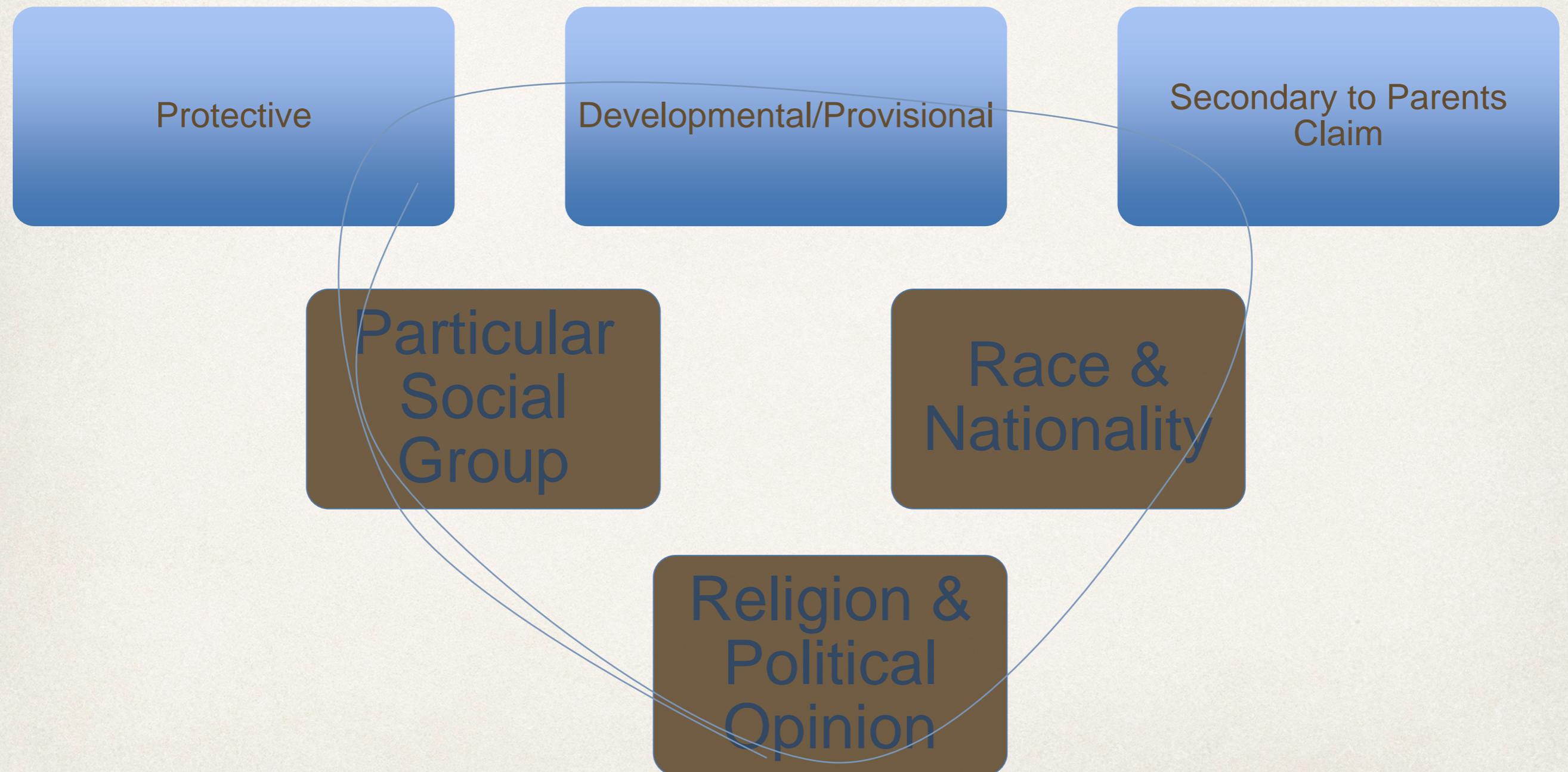
- ❖ 1. Children as vulnerable and needing protection from war, conflict and indiscriminate violence
- ❖ 2. Children as rights holders, having certain inalienable rights, like the right to education
- ❖ 3. Children as secondary to the adult applicant



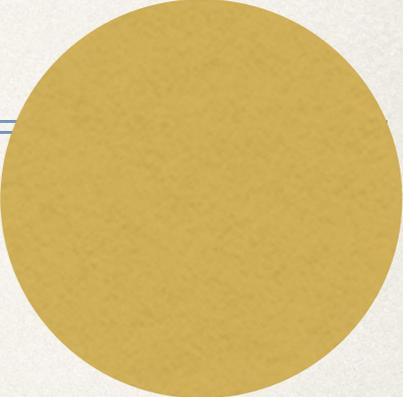
Trends & Convention Grounds

- ❖ 1. Recognition on the basis of harm, abuse and violence as defined by CRC
 - ❖ 2. Capacity and development rights: political opinion and religion, access to education and adequate services to support the child's development
 - ❖ 3. Secondary to guardian's application & Imputed beliefs
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Combined Categorisation



Conclusions: Relationship between CRC & Refugee Determinations Today



- ❖ UNHCR Guidance relies on CRC and Committee on the Rights of the Child guidance
- ❖ Courts and decision makers reference CRC provisions, in particular the best interest principle
- ❖ Recognition has been granted in cases where rights enshrined in the CRC are breached