

A STOLEN FUTURE
Protecting the rights of refugee children

The image of the refugee child is a powerful one. Fleeing, eyes wide with terror, from exploding shells. Fighting for a bowl of grain in a camp. Standing, lost and bewildered, on arrival in a foreign country. At a stage when they should be receiving the care that their vulnerable, dependent and undeveloped state demands, these young children and adolescents have experienced horrors, physical strains and emotional upheavals that most adults would be ill-equipped to deal with.

Sympathy is not enough. Having been deprived of their most basic rights as human beings in their own countries, young people in flight are being denied their rights, as children and as refugees, by governments who pledged to uphold those rights on becoming parties to the 1989 UN Convention on the Rights of the Child and to the 1951 UN Convention (UN Refugee Convention) and 1967 Protocol relating to the Status of Refugees. In situations of mass flight, child refugees are being treated as part of an undifferentiated mass. When fleeing with a parent they are being considered merely as dependants. The special needs of unaccompanied children and adolescent refugees are also being overlooked. Children are being obstructed from gaining asylum and they are being returned to danger.

The failure to protect and assist young refugees adequately is denying them access to a future which might deliver more than their short and traumatic past. Helping them to build a future is not easy but it is possible. Measures which need to be taken to rebuild security and hope have already been identified; they must be implemented.

The urgency of the issue is self-evident. Young people comprise more than half the world's refugees and internally displaced. The stolen future of some 20 million children casts doubt on the future peace and well-being of whole communities.

THE HUMAN RIGHTS ABUSES WHICH CAUSE CHILDREN TO FLEE

Refugee movements are often described in terms of natural disasters. However, the vast majority of the world's refugees have fled their countries as a result of actions deliberately taken by other human beings which infringed or threatened their fundamental human rights.

Some of the worst human rights abuses affecting children and causing them to seek refuge occur in situations of armed conflict, internal strife or civil disturbance. In Afghanistan, Angola, Algeria, Azerbaijan, Burundi, Colombia, Guatemala, Lebanon, Liberia, Myanmar (Burma), Mozambique, Iraq, Turkey, Rwanda, Sierra Leone, Somalia, Sri Lanka, Sudan, former Yugoslavia and Zaire, armed conflicts have created millions of refugees in recent years, in most cases because of abuses directed against the civilian population, and in some cases specifically against children.

Children are deliberately killed in military operations directed at eliminating civilians who, because of their ethnicity, nationality, religion or simply the place where they live, are suspected of supporting an opposing armed force. Homes and crops are deliberately destroyed, and survivors subjected to acts of terror and intimidation designed to force them to flee an area.

Refugee and internally displaced children in camps are frequent targets for recruitment to the army or armed opposition groups. They are given little or no military training, but face indoctrination and sometimes brutal initiation ceremonies. Girls are often forced to provide

'They recruit in the market place. One of my friends joined up. He was ten. He banged the drums when someone had died. He said it was very scary in the camp. He held a
several services to combatants. Some children "volunteer" to fight, but their motivation may be the need to find protection from the violence of fighting in the camps. King and his comrades ordered them to engage in combat; they are often severely ill-treated to force them into submission. Participation in military activities and separation from family leave many of these children with lasting emotional trauma. It is decided for them that they will fight, but if they survive they have to live with the after-effects of being both victims and perpetrators of violence. Their participation also increases the likelihood that other children in the area of conflict become targets as armed forces begin to view their civilian status with suspicion.

For more than a decade, non-governmental organizations have campaigned for the minimum age of recruitment (voluntary or compulsory) into armed forces to be raised to 18. In 1994, in response to growing international pressure, the UN Commission on Human Rights decided to establish a Working Group to draft an optional protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflicts. The Working Group has met three times but has not reached agreement on the minimum age for recruitment and participation in hostilities, among other key issues.

Some children are forced to flee because of attacks on their parents' rights. A lawyer working in Colombia to uncover abuses committed by the security forces receives a death threat. When he decides he must flee, it is natural for him to want to bring his children. Indeed, leaving

'It was something like an accident when I ran away from my village. We were playing at about 5 o'clock when these people, the soldiers came. We just ran. We didn't know where we were going to, we just ran.'

A 14-year-old Sudanese refugee in Kenya, quoted in *One Day We Had To Run*,
 Sybella Wilkes in association with UNHCR and Save the Children

children behind can expose them to danger. The children may become targets for political repression as suspected subversives, or as a means of exerting pressure on their exiled parents. Fear of retribution against family members left behind is a common reason for refugees and asylum-seekers to keep their cases confidential and to cease their political activities once in exile.

Those forced to flee without their children often do so as a result of difficulties in entering a country of asylum. For example, more and more potential asylum countries demand visas, and it can be easier for asylum-seekers to obtain a visitors' visa if they are travelling alone and leaving a family behind. Those who find safety obviously hope to bring their children out to join them, but in too many cases this hope is dashed. Sometimes, restrictive family reunification policies in asylum countries are to blame. For example, people granted "temporary protection", instead of access to refugee determination procedures under the UN Refugee Convention, have difficulty being reunited with their families.

For children left behind, separation is itself a cause of suffering, but even survival may be difficult. Ali Khelifi and his wife fled Tunisia for France in 1992. Their six children were unable

to travel with their parents, and were then unable to join them because their parents had to wait several years to receive refugee status. They went to live with their uncle. In February 1997, the uncle's neighbour was sentenced to one year's imprisonment and a heavy fine. His crime was to have given money to help support the children.

Some children flee because of abuses directed at them in their own right. Children who belong to certain ethnic, religious or linguistic groups are frequently targeted or denied fundamental rights. Where such a group is viewed by the state as a threat to its power, efforts to forcibly assimilate, or to suppress the group's culture will be directed particularly at its young people. Their schools will be closed and books confiscated or burned.

Children may themselves engage in political activities, such as putting up posters, or attempting to organise in their schools. In some countries this is sufficient reason for them to be detained and tortured in the same way as adults. In many countries, being a student is in itself dangerous, as schools and colleges are suspected of being hotbeds of radical opposition to the government.

Cases where girls seek asylum in order to escape the practice of female genital mutilation are beginning to appear. In March 1997, two families from Togo were granted asylum in Sweden on the basis that on return to their home region they would be exposed to overwhelming pressure to carry out mutilation of the daughters.

OBSTRUCTING CHILD REFUGEES FROM GAINING ASYLUM

Most refugee children would rather be safe at home. The ideal is to prevent or stop the abuses that make it impossible for refugee children to find security in their own homes, so that new lives are not destroyed and those in exile can return in safety to rebuild their lives. However, until that goal has been reached, refugee children and their families have a right to protection and security elsewhere.

Unfortunately, states who could offer that security increasingly resort to a range of measures to keep refugees out of their territory. Such measures which diminish or undermine protection for refugee adults have an impact on refugee children.

In developed countries, the restrictive measures include visa requirements that are in practice impossible to fulfil, coupled with punitive fines on transport companies which carry passengers not in possession of valid travel documents. Asylum-seekers, including children, are

'When a 4-year-old Somali refugee in Kenya quoted in One Daily We Had To Run, Sybil La Wiles's association with UNHCR flags, she the children who do not want to be refugees?'

among those trapped in the transit zone of Moscow's Sheremetevo-II international airport. Many hold tickets for onward journeys to other European countries or North America, but the Russian national carrier is reluctant to incur substantial financial penalties by allowing them transit.

Some countries, particularly those which lack the resources to establish and maintain sophisticated preventive measures, or which face a large-scale influx that would overwhelm any procedures in place, simply close the border. When the Turkish army closed its border after admitting thousands of Kurdish refugees fleeing northern Iraq in April 1991, thousands more refugees, among them children, were left stranded in the mountains, without food or shelter.

Forcible return and 'voluntary' repatriation

When the first line of defence fails, complicated rules are enforced to prevent asylum-seekers from gaining access to asylum procedures, by, for example, deporting them to countries they might have travelled through, even if only in transit. These so-called “safe third countries” are often far from safe, and will not provide protection. The consequences can be disastrous. A 16-year-old from east Africa fled his home in 1995 after his father was arrested and imprisoned and his mother killed. He managed to sneak onto a ship as a stowaway. By the time he disembarked in Australia, where he claimed and was eventually granted refugee status, he had failed to get access to protection in Germany, Belgium, Italy and Indonesia. He is now receiving psychiatric help and attempting to make a new life for himself.

Some refugees and asylum-seekers are forcibly returned to the country and the abuses they have fled. This violates the most fundamental principle of refugee protection, that of non-refoulement, which prohibits returning refugees to countries where their lives, safety or freedom would be at risk. Young children and adolescents are among those who have been extrajudicially executed by Rwandese security forces since being forced back from Zaire to Rwanda when fighting broke out in Zaire in October 1996.

Many children who do gain admission to a country of asylum find themselves subject to “voluntary” repatriation schemes which proceed before it is truly safe for them to return home. The Government of Panama forcibly returned more than 400 refugees to Colombia in November 1996 and April 1997. Over half of them were children. It broke pledges it had made to the Office of the United Nations High Commissioner for Refugees (UNHCR, the body with statutory responsibility for refugees), regarding the refugees’ security, reneging on an agreement to allow UNHCR access. Other Colombian refugee children in Panama have gone into hiding with their families, or have been detained by the Panamanian authorities pending deportation.

The dangers of rushed repatriation schemes, where the decision to return can be far from voluntary, are all too apparent. In December 1996, Tanzanian troops forced many of the 500,000 Rwandese Hutu refugees on its territory back across the border in an operation nominally supported by UNHCR. Children are among those who may subsequently have been detained because of their ethnic origin, in a bitterly divided society where many people want revenge for the genocide which occurred there, and in which legal institutions are under intolerable pressure.

THE NEED FOR FAIR PROCEDURES

The most vulnerable — unaccompanied refugee children

Most refugee children arrive in countries of asylum with their families, and their claims to refugee status are based on the claims of their parents. In addition, they should enjoy the same rights in relation to education, health care, social assistance and housing as other children in their country of asylum. When refugee children arrive without their parents or older siblings their special needs as young children or adolescents must be met by special measures. Several thousand such unaccompanied children are believed to arrive each year in Europe alone. They are confronted by enormous difficulties, arriving in an alien culture where they often do not speak the language.

The reasons these children arrive unaccompanied vary. Their parents may have been killed, “disappeared” or been detained. The children may have been targeted for persecution because of the activities of their parents, but the parents could not make the journey themselves. The children may have been targeted because of their own activities, such as passing messages and news, distributing leaflets or attempting to organize in their schools. They may have been sent abroad to escape abuses particularly affecting children, such as recruitment into armed forces. More frequently they have become separated from families during mass flight from armed conflict or civil disturbance.

Sadly, UNHCR guidelines designed to protect their rights and meet their special needs — such as appointing a guardian to look after the child’s best interests, using child-friendly interview techniques, ensuring that proceedings are conducted in a language the child fully understands,

giving the child a generous benefit of the doubt in assessing their story, ensuring that cases involving child refugees are decided within a reasonable time-scale — are frequently ignored. Children are put through procedures ill-suited to their age and predicament. In some countries, unaccompanied children have, almost by definition, very little chance of being recognized as refugees. A child below a certain age may even be ineligible to apply for asylum.

Where there are sudden and large-scale refugee movements, and family members become separated during flight, tens of thousands of children may arrive in the country of asylum unaccompanied. Again, UNHCR guidelines exist — among others, concerning reunification with the child's family and protecting children from sexual abuse or violence and forcible recruitment — but even the most basic protection they require may be non-existent. In refugee camps, officials may work through family leaders to share out relief supplies, excluding those with no senior family representative. Unaccompanied girls may fall prey to sexual assault and exploitation, just as young boys without family will often be the first to be recruited into armed forces.

Detention of child asylum-seekers

In many countries, including Australia, Hong Kong, Japan, the United Kingdom and the United States of America, children arriving with or without their families and seeking asylum have been detained in circumstances which are in contravention of the Convention on the Rights of the Child, and in breach of UNHCR guidelines. Conditions of detention vary, but it is by no means unusual to find refugee children detained in prison-like conditions, or in prisons, where they have been held alongside convicted criminals. In the USA refugee children have been detained by the Immigration and Naturalization Services — the organization responsible for adjudicating their cases — in highly restrictive circumstances, with inadequate access to information about their legal rights and status.

In some countries detention can last many years. Children of Vietnamese asylum seekers have been born and grown up in detention centres in Hong Kong and Australia.

Arrest and imprisonment of child refugees are even common forms of harassment in some countries. In Pakistan, the fact that many Afghan child refugees have no official documentation has been used by members of the police force for financial gain; families are forced to enter a costly process in order to get their children out of jail.

INTERNALLY DISPLACED CHILDREN

As governments have closed their borders to refugees, or pushed back prematurely those who have arrived, more would-be refugees have found themselves displaced within their own country, afraid to return to a home area where conflict or political violence may be raging. They may be displaced within or close to an area where fighting is still going on.

Internally displaced children receive even less protection than refugee children, as many governments are hostile to international involvement in protecting and assisting their own citizens. There is no UN agency like the UNHCR charged with ensuring that displaced children receive adequate protection and assistance. The UNHCR's role has occasionally been extended to cover the internally displaced, but in Colombia, Turkey and Sudan, among others, hundreds of thousands of internally displaced children, who have been forcibly uprooted or forced to flee for reasons similar to refugees, and whose needs are no less, receive little or no international assistance and protection.

Children in displaced persons' camps inside their own country run as much risk of abuses such as recruitment to armed forces, exploitation and sexual abuse as children who have succeeded in fleeing to another country. Children living as displaced persons in northern Uganda face continuous attacks from an armed opposition group, the Lord's Resistance Army. Boys and

girls are abducted; boys are forced to become fighters, girls are sexually exploited. Should children in such a position escape, the fact that they have come from areas where fighting is raging will lead their government's forces to view them with particular suspicion.

Often the camps where they have sought security are themselves in the line of fire. In April 1996, over a hundred civilians were killed in Qana, a UN compound in south Lebanon, when the compound was recklessly shelled by Israeli long-range artillery. Children were among the dead.

Young children and adolescents are among the most vulnerable in any internally displaced population. Even if they avoid the most horrific assaults on their rights, children in this situation are particularly likely to be cut off from educational opportunities, and to receive inadequate food and health care.

Giving refugee children a future -- what must be done

1. Prevent human rights abuses

People must speak out and campaign against the human rights violations that cause children and their families to flee their homes. We must demand that our governments, the United Nations and regional organizations uphold those rights, hold accountable those who violate them, and bring pressure to bear to stop the abuses.

2. Protect the rights of all refugees

Governments must ratify and implement the international treaties relating to refugees and asylum-seekers. The majority of the world's states have ratified the 1951 UN Convention relating to the Status of refugees and its 1967 Protocol. However, more than 50 have not. Many of those who have ratified the Convention and Protocol flout its most basic principles.

3. Protect the human rights of refugee children and provide for their special needs

Governments in asylum countries, and the international agencies which assist them, must fully apply international guidelines and standards relating to children and child refugees, in particular those relating to detention and asylum procedures. The 1989 Convention on the Rights of the Child has enjoyed near universal ratification by UN Member States. Children (defined as "every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier") are intended to enjoy all the rights under the Convention without discrimination, and the UNHCR has adopted the Convention as its guiding principles, incorporating its standards in the UNHCR Policy on Refugee Children.

4. Provide an advocate for refugee children in situations of armed conflict

Since so many refugee and displaced children are fleeing situations of armed conflict, special attention should be focused on ways to protect them from human rights abuses in time of war, including those occurring in the context of child recruitment. Whoever is appointed to the newly-created post of UN Special Representative of the Secretary-General on the Impact of Armed Conflict on Children must act as an advocate for the right of children in this situation to flee, and for protection of their rights until it is safe for them to return home.

5. Provide resources to match the scale of the problem

International monitoring mechanisms on human rights matters must be given the funds and staff they need to be effective. The Committee on the Rights of the Child, entrusted with monitoring children's rights worldwide, is composed of 10 part-time members — they meet for only 12 weeks each year. The secretariat comprises three staff members at the UN Centre for Human Rights. As yet, it is unclear whether the Special Representative on the Impact of Armed Conflict on Children

will have any permanent staff exclusively assigned to work with them, or whether they will have to rely on secondments and part-time assistance from other UN agencies.

WHAT YOU CAN DO

1. Join our campaign — Contact the AI office in your country and ask how you can help.
2. Help raise awareness about refugees and the specific needs of child refugees — Inform people of the human rights violations which cause children to flee their homes and of the special difficulties they face.
3. Urge your government to act — Find out if your government is honouring its international commitments in respect of child refugees.
4. Show solidarity with refugees — Support refugee children who are at risk of being forcibly returned, or whose rights are being otherwise abused.

This document is one of several, including a comprehensive study, *Refugees: Human Rights have no borders*, and five regional reports, being produced for Amnesty International's campaign on behalf of refugees. Other publications on the subject of child refugees include posters, postcards and a leaflet. Copies can be obtained from your local Amnesty International Section or group, or from the International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom, <http://www.refuge.amnesty.org>

CAPTIONS

‘Millions of children are caught up in conflicts in which they are not merely bystanders, but targets. Some fall victim to a general onslaught against civilians; others die as part of a calculated genocide. Still other children suffer the effects of sexual violence or the multiple deprivations of armed conflict that expose them to hunger or disease. Just as shocking, thousands of young people are cynically exploited as combatants.’

Graça Machel, in the 1996 UN “Study on the Impact of Armed Conflict on Children”

During the return from Tanzania of hundreds of thousands of Rwandese, Red Cross workers provided string so that children would not be separated from their family.

A seven-year-old boy whose leg was deliberately cut off during an attack on his village by an armed group in the Southern Province of Sierra Leone

Bosnian children with their teacher, also a refugee, in a class organized by the Danish Red Cross.

‘I want to go back to Bhutan — to my own house, because I was born and I grew up there’. The words and drawing (left) of a young refugee from Bhutan living in a camp in Nepal

Screening interview for an unaccompanied Vietnamese boy at the Marang Refugee Camp in Malaysia

Counter-insurgency soldiers on guard at a camp for the internally displaced in the Urabá region of Colombia. Many of the children have lost one or both parents in violence involving leftist guerrillas, right-wing paramilitary fighters and the military.