

World Vision International  
Middle East & Eastern Europe



Amer and a friend were in a field near their hometown when they spotted a group of soldiers from afar. Out of fear, they climbed a tree, hoping to avoid being noticed. The soldiers found them anyway. They were pulled violently from the tree, strip-searched, handcuffed, blindfolded, put inside a military vehicle and taken to a holding area. After a physical exam, the boys, wearing only light clothing, were forced to sit outside on gravel even though it was around midnight. They were tired and cold, and the soldiers harassed them every time they tried to lie down to get some rest. Amer's family had no idea where he was and were frantically looking for him. It wasn't until after 2 am that he was allowed to call his family to tell them that he had been detained. During the night, Amer and his friend were interrogated separately with no lawyer present. Amer was taken to jail in the back of a van that was divided into small compartments with barely enough room to move. "It was scary and very uncomfortable. Our hands and feet were in shackles and we were blindfolded the entire time," he says. In jail, Amer shared a cell with 10 other people, including adults.

Matei needs surgery. The procedure isn't a complicated one, but without it he won't be able to improve his speech. His last visit to the doctor also led to more concerns. The doctor recommended further testing due to problems with Matei's spleen. Because the government only offers health care to citizens and residents who can produce identity papers, Matei can't seek treatment through government services. His family is too poor to access private health options. Even though he was born in a hospital, Matei does not have a record of

## A WITNESS FOR CHILDREN:

### Child Rights in an Unsettled World

Children in Detention

Children without Birth Certification

Children as Refugees

Prenatal Sex Selection

his birth because his mother didn't either when she gave birth to him. There is a way to get a copy of his birth registration but he doesn't have the \$150 necessary.

Ali left his home to flee the bombs dropping on his village. Returning a few weeks later, all he found were scattered remnants. Ali is now one of more than 4 million refugees from Syria. He lives with his wife, four children and extended family in one big tent. With the cost of water around \$1 USD per litre, they had to resort to collecting it from a local spring that was a 20 minute walk from the tent. But, they were not the only ones collecting water from the spring. When the spring dried up from overuse, his family struggled to find both food and clean water. Things were so bad that sewage water was the only option for showering and washing dishes and clothes. The water led to skin irritations and fungal infections. Ali and his family, including his three year old daughter Nour, were getting sick.

Layla<sup>1</sup> would have been the youngest of five girls in her family. According to tradition in Armenia, a family is only complete after the birth of a son. Sons, not daughters, inherit property, carry on the family name and build a family's social standing. Sadly, this traditional view often pressures pregnant women to practice prenatal sex selection. Layla's mother knew the sex of her fifth child through medical staff at the local clinic, and felt pressured to deliver a boy to please her husband and mother-in-law.



Amer, Matei, Nour and Layla are children. Amer is 14 years old and lives in the West Bank of the Palestinian Occupied Territory. Matei is 13 years old. He lives in a Roma community in Romania with his mother and extended family. He attends school, but is asked daily by school administrators for his identification papers. Without his birth certificate and papers, Matei cannot receive the surgery or health care he needs, he can't access the state child allowance that other children use for supplies and he won't be able to graduate from sixth grade. Nour is 3 years old. She lives in Lebanon along with her sister and brothers and is a refugee from Syria. Layla was never born.

People often say, "children are resilient". But resilience, by definition, is the "ability to become strong, healthy, or successful again after something bad happens."<sup>2</sup> This ability is acquired, not intrinsic to personhood. Harvard University's Center on the Developing Child states that the road to acquire resilience rests on the development of protective experiences and coping skills, counterbalanced by the significance of the adversity encountered.<sup>3</sup> On both sides of this equation, the protection of human rights, specifically child rights, is an essential element in building resilience in children. Childhood development includes the process of building the social, intellectual and emotional tools that strengthen resiliency. The introduction of trauma or acts of violence into a child's world not only demands the social and emotional resources that children are in the process of building, but can also

weaken a child's ability to develop these very resources over time.<sup>4</sup>

Human rights require governments to proactively act to protect children and, further, to omit actions that would lead to harm. Governments play a critical role in their children's ability to access their rights. Without access to their rights, society's ability to build resilient children who can meet their full potential now and in the future is severely crippled.

Human Rights Day is an opportunity to acknowledge the impact of government actions and omissions on the tender and important stages of childhood development. Human rights are inherent rights and universal to all human beings. The UN Declaration of Universal Human Rights documents these norms in an effort to build unity of action and obligation to protect essential rights in all contexts and circumstances. Today, we also consider the rights of a special group: children. Girls and boys are endowed with the same rights as adults and, additionally, accrue specialised rights to address their protection, care and well-being as they rely on adults for nurture and guidance.

Every stage of childhood development builds personality and self-esteem while exacting a learning process to prepare a child for his or her next steps forward. Let's explore the circumstances and contexts of these four children's lives.



## CHILDREN IN DETENTION

### Universal Declaration of Human Rights

**Article 7.** All are equal before the law and are entitled without any discrimination to equal protection of the law.

### Convention on the Rights of the Child

**Article 3(1).** 1. *In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

**Article 37.** The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

### Sustainable Development Goal

**16.2.** End abuse...and all forms of violence...against children.

Amer is just one of many children arrested and detained by Israel's military. As of September of this year, Israel was holding 171 Palestinian children from the Palestinian Occupied Territory and Israel in detention facilities.<sup>5</sup> Israel arrests between 500 and 700 children every year on similar charges.<sup>6</sup> Amer's story of arrest and detention is not unusual. The circumstances of arrest and detention often include actions by authorities that, on their face are cause for immediate concern. In a survey of one hundred Palestinian children detained this year, 60 per cent suffered physical abuse. Authorities strip searched 65 per cent of those surveyed and blind folded 78 per cent. Only three per cent had access to a lawyer and not one child surveyed was allowed to have a parent or close family member present during the interrogation with authorities.<sup>7</sup> Of those surveyed, 61 per cent were arrested during the night.<sup>8</sup> The most common security allegation against these detainees is the act of throwing stones.

From a childhood development perspective, these punitive actions have the potential to cause long-term effects. Because resilience to adversity is acquired through protective experiences and the development of coping skills, the opposite experience of great adversity can weaken a child's ability to develop resilience.<sup>9</sup> World Vision's programmatic work verifies this relationship. Amer and other children who have experienced similar circumstances struggle to overcome the difficult memories in order to return to normal life. Today, World Vision is working with specialised organisations to provide Amer with psychosocial support and counselling. Amer is back in school, but

similarly situated children have missed entire school years and some have left school permanently. Many children who have had similar experiences develop anxiety and anger issues and become less sociable; their coping mechanisms and protective experiences are not sufficient for addressing the significance of the adversity encountered.

From a human rights perspective, these actions cannot be justified. A legal analysis confirms that this treatment is contrary to human rights norms. In acknowledging that children are in the process of developing physically, psychologically and emotionally, the standards of treatment and decision making in situations of children in conflict with the law must be different than standards for adults.

First and foremost, the Convention on the Rights of the Child (CRC) requires that government authorities consider restorative justice principles in cases of children in conflict with the law rather than punishments that act as retribution.<sup>10</sup> Restorative justice focuses on rehabilitation and reconciliation to rebuild both the child and the community's relationship towards respect and citizenship. In the case of Palestinian children, the act of stone throwing is a political statement of rebellion against occupation. As applied to this fact, the CRC article requires that Israel as an occupying power and Palestine as an occupied territory work together to concretely address the underlying causes of these acts. The CRC advocates for peace and reconciliation between Palestinians and Israelis because of the harmful effect the conflict has had on the lives of all children affected.

Second, the CRC establishes that especially for children, the deprivation of liberty should be a measure of last resort, rather than standard practice. The deprivation of liberty includes actions to arrest, detain and imprison children.<sup>11</sup> Because so many cases of Palestinian children in conflict with the law include acts defined as “the deprivation of liberty”, it is questionable that Israel uses this action as a measure of last resort rather than standard practice. The prevalence of the act suggests that it is not a measure of last resort.

Further, the general security concerns that Israel cites in arguments cannot justify the consistent use of the deprivation of liberty of children. In the case of children, a deliberation of whether to deprive a child of liberty cannot be generalised as a requirement of security, but instead requires specific analysis and individual assessment for each child. The CRC requires States Parties to consider the “best interests of the child” when making decisions that involve a child (Article 3.1). The United Nations Committee on the Rights of the Child, which is tasked to define the scope and nature of each CRC article, confirms this reading. General Comment No. 10, Note 6(c) requires States Parties to determine the best interests of a child as an individual in a particular set of circumstances.<sup>12</sup> To consider security generally as a means to determine the treatment of a particular child, when such a consideration relies on the harshest treatment and handling of the case, does not comport with the CRC’s intent and obligations of States Parties to individually review and assess cases that include children.

Third, the treatment of Palestinian children during arrest, interrogation and incarceration in the Occupied Territories and Israel does not meet the standards of treatment required under human rights law. Children are not to be incarcerated with adults. Children are not to be deprived of sleep. Children should be accompanied by a guardian or parent in situations of interrogation. In cases of arrest and detention, parents should be contacted immediately. Children should not be blindfolded. Children should not be threatened by further violence or punishment because they refuse to self-incriminate.<sup>13</sup> The sheer number of cases documented where such treatment has occurred suggests that these violations are acceptable to legal authorities within the scope of the Palestinian occupation.

From an Israeli perspective, the treatment and standards of arrest, interrogation and detention as applied to Israeli children are unacceptable. Israeli

children living in the same Occupied Territory and in Israel do not undergo the same treatment when arrested and detained for the same or similar offenses. Palestinian children are charged and prosecuted under Israeli military law. Israeli children are charged and prosecuted under Israeli civilian law. The Universal Human Rights Declaration, Article 7, requires that “All are equal before the law and are entitled, without any discrimination, to equal protection of the law.” The CRC also prohibits discrimination.<sup>14</sup> Yet, there are differences in treatment of Palestinian and Israeli children in the same geographic location for similar offenses. Under Israeli civilian law, a parent may be present during an interrogation process that leads to his or her child’s formal arrest. Military authorities have acknowledged that they have discretionary authority to allow the presence of a parent through the interrogation process in the case of Palestinians. This discretion is not exercised.

Under Israeli civilian law, children<sup>13</sup> and under may not be incarcerated for a criminal or security offense. Israeli military orders allow for the incarceration of children as young as 13. Under Israeli military orders, children 12 years of age or younger cannot be incarcerated for criminal or security offenses. Under Israeli civilian law, authorities cannot detain and interrogate any child at night. Under military orders, authorities can detain and interrogate a child at night.<sup>15</sup>

LEGAL TREATMENT OF ISRAELI & PALESTINIAN CHILDREN IN CONFLICT WITH THE LAW	ISRAELI CHILD	PALESTINIAN CHILD
DETAINED DAY OR NIGHT?		
MINIMUM AGE OF INCARCERATION	14	12
PARENT OR GUARDIAN PRESENT AT INTERROGATION?		

Under Israeli civilian law, authorities can only detain a child for six months between a formal charge and final sentencing.<sup>16</sup> Under military orders, a child can be detained up to one year between a formal charge and final sentencing.<sup>17</sup>

Palestinian children are treated differently than Israeli children in both law and in practice.

In light of the aggregate facts on child detention in Israel and the Palestinian Occupied Territory this brief recognises that Israeli's security is essential for peace.

That being said, Israel and its global partners must abide by its international obligations to protect its citizens as well as people under its jurisdictional control, the Palestinians. Israel has an obligation to Palestinian children.

The act of detaining children speaks to the exceptional nature of this conflict. Yet it is exactly these exceptional circumstances that the universality of human rights and the international treaties accepted by all nations are meant to address; even more so when children are put at risk.

In light of the urgency of these circumstances,

**World Vision calls upon Israel and the Palestinian Authority to make efforts towards peace, thinking of each other's children and the**

**consequences that ongoing conflict will bring.**

**World Vision also calls upon Israel to:**

Ensure that the best interests of each child guide all decisions pertaining to children in conflict with the law;

Fast track judicial cases that involve children;

Separate children from adults in detention to maintain adequate child protection;

Prevent all conduct and treatment against children that contravenes its obligations under the CRC; and

Harmonise treatment of both Israeli and Palestinian children in conflict with the law.

**World Vision calls on Israel's partners and international organisations to:**

Include children in detention as an important agenda item in day-to-day diplomatic relations with Israel. World Vision applauds the work of UNICEF in their ongoing dialogue with Israeli authorities concerning the plight of children in detention and fully supports further engagement by other key partners, including the European Union and its Member States.

1 Layla is a pseudonym.

2 Merriam-Webster's Dictionary

3 Center on the Developing Child, Harvard University, Resilience: <http://developingchild.harvard.edu/science/key-concepts/resilience/>

4 See generally (Bonanno et al. 2007; Clin Soc Work J 123 Bonanno et al. 2011); Hauser (1999; Hauser et al. 2006) point out that resilience is a process, not a state. 5 Military Court Watch, <http://www.militarycourtwatch.org/page.php?id=J5V0bQevz8a19020AWwFbv7lxv2>

6 World Vision International.

7 Ibid Note 5, <http://www.militarycourtwatch.org/page.php?id=aE2cRQ1z7sa628611AaCklezH3bXit>

8 Ibid, <http://www.militarycourtwatch.org/page.php?id=MmNuAkpGrsa613395AWw2bOOpT3K>

9 Ibid Note 3. 10 UNCRC, General Comment No. 10 (2007), Paragraph Note 9, CRC/C/GC/9

11 Ibid, Paragraph Note 11. 12 Ibid. Paragraph Note 7. 13 CRC, Art. 40 (2) (b) 28, Freedom from compulsory self-incrimination.

14 Ibid Note 10. Paragraph Note 6. *States parties have to take all necessary measures to ensure that all children in conflict with the law are treated equally. Particular attention must be paid to de facto discrimination and disparities, which may be the result of a lack of a consistent policy and involve vulnerable groups of children, such as street children, children belonging to racial, ethnic, religious or linguistic minorities, indigenous children, girl children, children with disabilities and children who are repeatedly in conflict with the law (recidivists).*

15 Israel, Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10L; Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 61 – 9 months for adults, with possible extensions. Israel, Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10L; Criminal Procedure (Enforcement Powers-Arrests) Law (1996) – Section 61 – 9 months for adults, with possible extensions.

16 Israel, Military Order 1651 as amended by Military Order 1711 (effective April 2013). A minor now can be detained for up to one year between being charged and the conclusion of his/her trial. After one year, a judge of the Military Appeals Court can extend the period of detention every three months, with no limit on the number of extensions.

17 See Israel, Military Orders 1711, 1726, and 1727; UNICEF (2015), Children in Israeli Military Detention, Observations and Recommendations, Bulletin No. 2: February 2015,

[http://www.unicef.org/oPt/Children\\_in\\_Israeli\\_Military\\_Detention\\_-\\_Observations\\_and\\_Recommendations\\_-\\_Bulletin\\_No.\\_2\\_-\\_February\\_2015.pdf](http://www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf).

# CHILDREN WITHOUT BIRTH CERTIFICATION



Matei's story reveals a class of people unable to access basic services and preserve their rights because they are not registered under a sovereign state's civil registry. Although birth registration is the easiest and most common registration process, barriers to birth registration persist.

There are many reasons why some children remain outside the scope of a state's civil registry. In some cases, procedural difficulties arise that prevent or discourage birth registration. For example, a person may not have been issued a birth certificate because authorities were not notified of the birth. This often occurs in situations of medically unassisted deliveries outside of health facilities. Another reason is the lack of legal requirements. Some countries do not require birth registration. Where they are not required, parents and health care workers often omit registration. A delay in birth registration can also lead to an outright denial of a claim or require such a complex birth registration process that it acts as a strong deterrent against registration.

Substantive legal provisions and legal interpretations can also prohibit birth registration. Some countries only vest citizenship by blood through the father, not the mother. As a result, children born out of wedlock or by a father without citizenship (stateless) cannot have their births registered. A misunderstanding of the law or a discriminatory act by authorities and health care workers might also instigate a refusal to register a child. Minority groups within a country context can also be seen as outsiders and are therefore often denied registration.

## Universal Declaration of Human Rights

**Article 6.** Everyone has the right to recognition everywhere as a person before the law.

**Article 7.** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

## Convention on the Rights of the Child

### Article 7(1,2)

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

## Convention on the Elimination of all Forms of Discrimination against Women

**Article 9(2).** States Parties shall grant women equal rights with men with respect to the nationality of their children.

## Sustainable Development Goal

**16.9** Birth Registration.

Boys and girls born to refugees in transit or destination countries may also incur difficulties in the registration process. Finally, parents who are illegal migrants may also avoid authorities out of fear of deportation and by default fail to register their children. In many cases, countries may refuse to issue birth certificates to children of parents with refugee status or illegal residency.<sup>1</sup>

The value of a birth certificate is like gold. Without birth registration, children and adults remain outside of the scope of all services and protections offered by the state. For those without a birth certificate, access to health care and education are very limited at best while other citizen and resident benefits are often off limits altogether. Children often inherit their stateless status from their parents and are impacted by other effects of their parents' statelessness; such as their inability to enter the formal workforce, receive social security or other insurance benefits, officially marry their partners, own property or vote. Living "off the grid," it is difficult for a family to build a livelihood that can survive hardship.

Under these circumstances, boys and girls without access to social protection, education and health care do not have sufficient protective experiences and coping mechanisms to build resilience and overcome even minor adversity. This state of vulnerability often extends into adulthood and across generations.

The effects of non-registration extend past the lack of positive benefits. Without registration from the state, both children and adults are vulnerable to human rights abuses as their access to law enforcement is weakened by their own stateless circumstances. The state cannot extend its protective mechanisms sufficiently to mitigate these situations. For example, employers can hire both unregistered children and adults without needing to comply with labour laws that are meant to protect workers from harmful work or poor conditions, and most importantly, keep children out of the workforce. Children without registration are easier targets for traffickers and other actors with exploitative intentions.

The prevalence of unregistered boys and girls across the globe is significant. UNICEF estimates that worldwide 230 million boys and girls under the age of five do not possess birth certificates.<sup>2</sup> In World Vision's Middle East, Eastern European and Southern Asia region, the number of stateless people among minority groups, refugees, rural populations and other vulnerable groups is significant. In Pakistan alone, 34 per cent of boys and girls under the age of 5 are not registered.<sup>3</sup> In Afghanistan, 38 per cent of births remain unregistered.<sup>4</sup> In Romania and other Eastern Europe countries, unregistered boys and girls are often those in residential institutions or children that belong to a minority population group,

such as the Roma.<sup>5</sup> In the Middle East, as in the case of Afghanistan and Pakistan, the numbers of generational refugees and stateless persons compounded with legal provisions that discriminate against mothers have created a situation difficult to repair. A closer look at Lebanon illustrates the complexity.

In Lebanon, unofficial statistics estimate 80,000 unregistered people, 20,000 of whom are children.<sup>6</sup> Procedural and substantive limitations on birth registration are present. First and foremost, there is no legal provision that requires birth registration and thus there is little awareness within communities about the risks of inaction. Second, Lebanese law stipulates a window of one year after birth during which registration is still possible without additional complications.<sup>7</sup> After one year, the effects and consequences of non-registration are difficult to remedy. Registration after one year requires that the birth parents bring a law suit against the state to press for registration. The lawsuit is costly and the process is not fully known or understood by the legal community.<sup>8</sup>

Substantively, Lebanese law on birth registration and citizenship discriminates against mothers. A mother cannot register a child born out of wedlock and cannot bestow citizenship on her children. Because citizenship passes only through the father, a child born of an unregistered foreign father cannot be registered at birth at all.

Birth registration and the right of parents to register their children are human rights addressed in the Universal Declaration of Human Rights and various Conventions that analyse human rights in the scope of various groups and situations.



The Universal Declaration of Human Rights confirms the right of every individual to recognition before the law. The Convention on the Rights of the Child analyses this right from the perspective of children and provides that birth registration is an essential right of children. The Committee on the Rights of the Child's General Comment No. 7 documents the urgency of birth registration and concretely requires that States Parties to the CRC create a "universal, well-managed registration system that is accessible to all and free of charge."<sup>9</sup>

Further, the Universal Declaration of Human Rights confirms equal protection without discrimination before the law. The Convention on the Elimination of all Forms of Discrimination against Women analyses this right from the perspective of women and provides that States Parties shall grant women equal rights with men with respect to the nationality of their children. These Conventions establish the benchmarks for policy actions.

**World Vision calls on States across the region to:**

Raise awareness and increase capacity among communities, concerned entities and authorities to register children at birth;

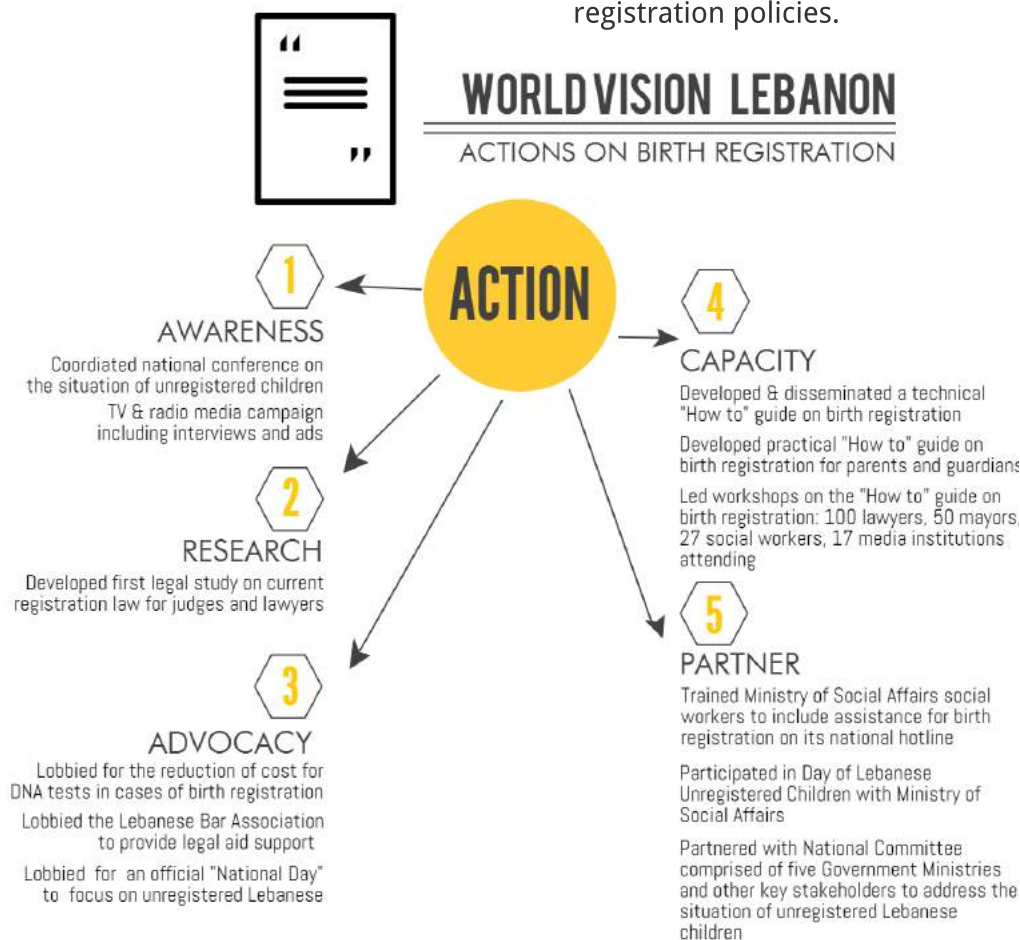
Reform legal provisions that restrict, discriminate or create procedural challenges to birth registration; and

Create and implement policies that respond to boys and girls without birth registration, specifically in cases of stateless, refugee and minority populations.

**World Vision calls on donors to:**

Adequately fund and support birth registration policy reform and implementation in development cooperation; and

Adequately fund and support civil society and government partnerships that build the capacity and technical tools of judges, lawyers, health authorities and registration authorities to implement birth registration policies.



1 Human Rights Council (2014), Birth registration and the right of everyone to recognition everywhere as a person before the law, A/HRC/27/22, 17 June 2014, <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Pages/ListReports.aspx>

2 UNICEF (2013), Every Child's Birth Right, December 2013, page 6,

[http://www.unicef.org/gambia/Every\\_childs\\_birth\\_right\\_-\\_inequities\\_and\\_trends\\_in\\_birth\\_registration\\_-\\_2013\\_report.pdf](http://www.unicef.org/gambia/Every_childs_birth_right_-_inequities_and_trends_in_birth_registration_-_2013_report.pdf)

3 UNICEF Pakistan (2015) Progress Report: Birth Registration, July 2015, page 5 [http://www.unicef.org/pakistan/Birthregistration\\_LR.pdf](http://www.unicef.org/pakistan/Birthregistration_LR.pdf)

4 UNICEF (2014), Children and Women in Afghanistan: A Situation Analysis, November 2014, page 38,

[http://www.unicef.org/afghanistan/SitAn\\_-\\_Long\\_Report\\_-\\_small\\_size\\_.pdf](http://www.unicef.org/afghanistan/SitAn_-_Long_Report_-_small_size_.pdf)

5 Romanian Ministry of Administration and Interior (2012), Good Practices in the Registration and Issuance of Documents for Roma Community, [http://www.romadecade.org/cms/upload/file/9385\\_file5\\_good-practices-in-the-registration-and-issuance-of-documents-for-the-roma-community.pdf](http://www.romadecade.org/cms/upload/file/9385_file5_good-practices-in-the-registration-and-issuance-of-documents-for-the-roma-community.pdf)

6 WV Lebanon, Lebanese Unregistered Children, Policy Brief, March 2015.

7 Ibid.

8 Ibid.

9 Ibid. Note 1.





## CHILDREN AS REFUGEES

### Universal Declaration of Human Rights

**Article 14(1).** Everyone has the right to seek and to enjoy in other countries asylum from persecution.

### Convention relating to the Status of Refugees

**Article 3.** The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Like Nour, millions of refugees across World Vision's Middle East, Eastern Europe and Southern Asia Region are struggling to survive, let alone thrive. More than four years on, Syria's crisis is unabated. The numbers of Syrian refugees are increasing, extending refugee populations into bordering countries and into Europe. The magnitude of the Syrian crisis has overwhelmed Syria's neighbours and now Europe is also experiencing the effects of the crisis. According to UNHCR's statistics, Syria's neighbouring countries host 4,288,672 registered refugees.<sup>1</sup> The region also continues to host refugees from Afghanistan, Iraq and the Palestinian Occupied Territories. Over the past year, 921,713 refugees and migrants have arrived to Europe via the Mediterranean Sea; 51 per cent of the total arriving in Europe are Syrian nationals.<sup>2</sup>

The journey to safety often includes as much peril as the circumstances that refugees flee. Crossing the Mediterranean Sea on small boats and under the guidance of illegal smugglers has led to widely publicised deaths, including children. UNCHR verifies that 3,560 refugees or migrants have died or are missing from attempts to cross the Mediterranean Sea in 2015.<sup>3</sup> Once across the sea, their struggles continue. Stories of crossing borders and journeying on foot or via transport to reach a final destination reveal a treacherous and uncertain road to safety. World Vision's refugee response in Serbia is a witness to this hardship. Serbia receives 4,360 new migrants or refugees every day. By mid-November, in this year alone, the Government of Serbia had received 467,960 registered intentions to seek asylum.<sup>4</sup>

World Vision faces the difficult work of responding to refugees along their journeys. Stories of police

aggression, a lack of clean water and proper sanitation at refugee aid points, and winter weather conditions that make outdoor sleeping and travel dangerous, describe the adversity faced by children and families alike.<sup>5</sup> At the Adasevci refugee aid point in Serbia, World Vision, SOS Children's Villages and UNICEF have come together to create a child friendly space for children making the journey.<sup>6</sup> A child friendly space offers an inviting, warm and protected space where children can be safe and secure while participating in activities meant to reduce the negative psychological impact of their environment or experiences. Through normalising activities such as play and socialisation, the staff educate children and/or their caregivers on stress management coping strategies. Such programming offers a way to build resilience in the presence of extreme adversity.

World Vision is also at work in Syria's neighbouring countries, including Lebanon, Turkey, Jordan and the Kurdish Region of Iraq. World Vision works in refugee camps and communities that host refugees. As seen in the story of Nour and her family, basic essentials such as access to water, sanitation and hygiene require special attention and funding from donors and host governments alike. Access to proper nutrition and health care, shelter, household items and education are also in short supply. Global funding contributions to both the Syrian Response Plan and Syria Refugee Plan have so far only reached 50 per cent of pledges.<sup>7</sup> Without these pledges in hand, current funding is not enough to sustain the levels of support required to meet the needs of refugees, especially children. Despite working harder to become more innovative, cost-efficient and effective, humanitarian and development actors are finding that needs continue to outstrip the available resources.

The strains on infrastructure and public services, security concerns and fears over the long-term presence of refugees have led governments in Europe and the Middle East to put in place increased restrictions aimed at stemming the flow of asylum seekers and encouraging those refugees who are already in-country to return to Syria or to seek asylum in third countries.

Within this political labyrinth, the Universal Declaration of Human Rights is clear. Article 14(1) states, "Everyone has the right to seek and to enjoy in other countries asylum from persecution." The Convention relating to the Status of Refugees confirms this universal right and assigns States Parties obligations to ensure that refugees are both safe from persecution and receive access to the rights and benefits necessary for resettlement. The obligations under international law to protect refugees are not limited by the hardship that destination countries might face. Rather, the obligations suggest reciprocity of action: that in the event of future war or violence faced by citizens of destination countries, other countries, in turn, will protect these citizens and safeguard their rights.

The significant adversity suffered by children who are seeking asylum or who have attained refugee status demands attention. Refugees suffer both grief and trauma from their losses and violent experiences. The loss or separation from family members and friends, the loss of homes and personal property, neighbourhoods, language and familiar sights, smells and sounds, creates grief.<sup>10</sup> At the same time, refugees often witness acts of violence that compel their flight.

In order to help facilitate and rebuild resiliency in the face of such trauma and grief, **World Vision calls on host governments to:**

**Provide asylum and protection to refugees, both in Europe and worldwide.** Countries must urgently develop comprehensive integration policies for arriving refugees that include access to education, health and other protective measures. Specifically,

countries not accustomed to hosting refugees should consider the complexity of civil registration and service provision. Easy access to health care and education, as well as the opportunity for legal employment, should be considered within the gambit of refugee needs. Because national legislation and local administrations may not, on their face, afford such access due to local language, capacity issues and lengthy procedural requirements for registration, governments should fast track or create short cuts for essential services for refugee populations.

**Create and implement public awareness campaigns on the rights and status of refugees as an integral part of a state's international responsibility under accepted human rights norms and principles of tolerance in a democratic society.**

Strong public opinion against refugees builds an environment of hostility and fear in refugee communities. Given the international obligation to protect and safeguard refugees, a sense of hostility against refugees undermines the very essence of the right to asylum. Security is tantamount to a nation's sovereignty and must be protected through rigorous procedures and analysis. At the same time, the right to asylum must be protected and verified as a right to citizens and refugees alike.

Given that the ongoing Syrian conflict is a root cause of the sizeable migration of refugees in the region,

**World Vision calls on international donors to: Deliver on commitments made to support Syria's Response and Refugee Plans.**

It is essential that donor governments who made explicit pledges at the third donor-pledging conference in Kuwait earlier this year convert these pledges to contributions. New funding contributions in recent days provide a strong foundation, but must continue past the media's current attention on Europe.

1 UNCHR (2015), Syria Regional Refugee Response, Inter-agency Information Sharing Portal, accessed December 9, 2015, <http://data.unhcr.org/syrianrefugees/regional.php>

2 UNCHR (2015) Refugee/Migrant Emergency Refugee Response – Mediterranean, <http://data.unhcr.org/mediterranean/regional.php>

3 Ibid.  
4 UNCHR SERBIA (2015), Inter-Agency Operational Update, 17 – 23 November 2015, <http://www.wvi.org/syria-crisis/article/world-vision-expands-syria-crisis-humanitarian-response>; World Vision International, <http://www.wvi.org/serbia/article/syrian-refugees-wait-start-their-lives-again>; <http://www.wvi.org/syria-crisis/article/refugees-serbia-face-rain-dropping-temperatures>

5 Ibid. Note 4.

6 Ibid. Note 2.

7 Ibid. Note 1. <http://www.unhcr.org/3b66c2aa10.html> Shulamith Lala Ashenberg Straussner & Alexandria Josephine Calnan, Trauma Through the Life Cycle: A Review of Current Literature, Clin Soc Work J DOI 10.1007/s10615-014 ,102



## PRENATAL SEX SELECTION

### Universal Declaration of Human Rights

**Article 7.** All are equal before the law and are entitled without any discrimination to equal protection of the law.

### Convention on the Elimination of all Forms of Discrimination against Women

**Article 2.** States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women

### Sustainable Development Goals

**5.1** End all forms of discrimination against all women and girls everywhere

**5.2** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

**5.5** Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

**5.c** Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

The story of Layla's mother is one of regret. The decision for prenatal sex selection exposed an emotion in Anahit that overrides culture. The prevalence of prenatal sex selection in countries within World Vision's Middle East, Eastern Europe and Southern Asia region suggests a culturally significant practice that is contrary to human rights norms that prohibit discrimination against women. The United Nations Population Fund reports a discrepancy of the sex ratio at birth (SRB) in Albania, Armenia, Azerbaijan and Georgia. The sex ratio at birth is defined as the number of boys born alive per 100 girls born alive.<sup>1</sup> Normally, biological diversity allows for a ratio between 104 and 106 males born alive per 100 females.<sup>2</sup> Ratios above 106 suggest an unnatural imbalance. Albania, Armenia, Azerbaijan and Georgia report an unnatural imbalance. In Armenia, the overall SRB in the last reporting period was 115.5.<sup>3</sup> Only China, promulgating an official policy that limited the number of children per family to one, maintained an SRB that was higher than Armenia during the reporting period of 2010 – 2011.<sup>4</sup> An unnatural SRB confirms the existence of prenatal sex selection as a

means to increase the number of males born alive while diminishing the number of females born alive.

The prevalence of prenatal sex selection increases in societies where three elements exist. First, cultural norms that emphasise the importance of sons are present. Within these settings, legal and traditional systems accentuate the value of sons. Such value translates into the inheritance of property, increased social status, the transmission of a surname into the next generation and opportunities for a better livelihood of the potential son, among other values. Second, there is access to modern technology that makes assessment of a fetus' sex readily available. Third, these societies desire to have small families due to financial or other constraints and cultural preferences.<sup>5</sup> Prenatal sex selection is harmful to society, can promote unethical medical practices and constitutes a human rights abuse. Defined as gender-based violence, prenatal sex selection constitutes discrimination against women in contradiction to Article 7 of the Universal Declaration of Human Rights and the Convention on the Elimination of all Forms of Discrimination against Women. Patriarchy has

socialised and structured discourses and practices that are associated with being a man and a woman. The roles of men and women are therefore socially constructed. Gender roles are very specifically defined and are different for men and women and boys and girls. Such differences result in inequities and power differences that marginalise women and girls.

Serious negative social, demographic and health implications can result from the long-term practice of prenatal sex selection. Negative effects include trafficking for the purposes of marriage or sexual exploitation and other human rights violations, an overall increase in crime and increased migration of men looking for female partners.<sup>6</sup>

Access to prenatal sex selection is also relatively easy in environments where medical professionals receive low wages from private or public medical services and performing prenatal sex selection can supplement needed income.<sup>7</sup> A ban on this practice will not change behaviour because it is very difficult to track this abuse.

Rather than a ban on the practice, countries with unnatural SRB ratios must work to remedy gender inequalities linked to health, development, identity and the well-being of men, women and children. Such work must include emphasis on the economic empowerment of women and girls, as well as access to education, equal opportunities, participation and leadership.<sup>8</sup>

To combat prenatal sex-selection, World Vision's work in Armenia focuses on examining and challenging harmful gender attitudes and practices that support son preference. In 2014, World Vision Armenia initiated a project to combat gender-based violence and prenatal sex selection by working across communities in Armenia. The developed

model assisted community social workers, activists and World Vision staff in strengthening their work with families through intentionally engaging men, women and youth in creating respectful and healthy relations within families and elevating the recognition and appreciation of women's roles in society. In partnership with Promundo,<sup>9</sup> World Vision has developed curriculum to work with men, women, and youth to examine, question, and transform social norms that lead to this practice. By participating in a series of carefully structured group sessions, participants find space for personal reflection, respectful dialogue and activities that challenge harmful beliefs about gender and power, promote shared decision-making between couples and encourage men's engagement in caregiving. In these sessions, participants are also encouraged to discuss what they have learned with their family members and peer groups, further spreading the positive messages promoted from within the group setting.

Men can challenge communities' inequitable perceptions of daughters versus sons, and disrupt the cycle of violence against girls and women including the practice of prenatal sex selection.

**Governments exposed to this practice must also take action. World Vision calls on governments to:**

Reform legislation and the implementation of new legislation to equalize inheritance and property rights by all;

Encourage the education of girls and create economic opportunities to enhance the value of education for girls; and

Set health care provisions to extend care and protection of women and girls' reproductive rights.

1 OECD (2006), Sex Ratio at Birth Definition, <https://stats.oecd.org/glossary/detail.asp?ID=2447>

2 UNFPA Armenia (2013), Sex Imbalances at Birth in Armenia: Demographic Evidence and Analysis Report, 2 May 2013, <http://unfpa.am/en/publications-sex-imbalance-at-birth-2013>

3 Ibid.

4 Adrineh Gregorian, Gender Selection Abortion in Armenia, International Research and Exchanges Board Inc., July 2013, <https://www.irex.org/sites/default/files/2012-2013%20STG%20Scholar%20Research%20Brief%20-Final.pdf>

5 Ibid.

6 In 2011 the Council of Europe Parliamentary Assembly (PACE) adopted a resolution calling the disproportion in sex selection in Armenia and several other countries "alarming" and worried of about the results: "Difficulties for men to find spouses lead to serious human rights violations such as forced prostitution, trafficking for the purposes of marriage or sexual exploitation, and contribute to a rise in criminality and social unrest."

7 Ibid. Note 4.

8 UN Women, 2014.

9 See <http://promundoglobal.org/about/>

The stories and circumstances of Amer, Matei, Nour and Layla are unique, with their own set of complexities. Unfortunately these stories are also all too common, not only in the Middle East and Eastern European regions but across the world. In addition to the recommendations listed in this report, World Vision calls upon governments and the international community to act as witnesses for children; to ensure that children build the resilience to cope with life's difficulties. A biblical interpretation of witness includes both the task to attest to the facts and advocate for a position.<sup>1</sup> The task of a witness then, is "not only to attest the facts but also to [argue] the truth of them."<sup>2</sup> Evidence alone is insufficient; it must be met with advocacy, and advocacy with action. Beyond argument and the statement of facts, the most

vital expression of witnessing is the transformation from evidence to action.<sup>3</sup> The violation of a child's rights demands an immediate response, and as witnesses we are compelled to act in their best interest. This involves not only working to enforce policy and encouraging governments to honour their responsibilities under international law, but also recognising the common humanity of all people and the common need for justice, restoration of personhood, social equality and a safe haven. In an unsettled world there can be no settling for injustice. Every human right responds to a need, and for the development and protection of children these needs assume an added urgency. In order to create "a peaceful, just and sustainable world," we must start by attending to the most vulnerable.<sup>4</sup>

1 Elmer A. Martens, "Book Review," <http://www.directionjournal.org/7/3/new-testament-concept-of-witness.html>, (July 1978).

2 Ibid. Quotation taken from: Allison A. Trites. Society for New Testament Studies. Monograph Series. No. 31. Cambridge, UK: Cambridge University Press, 1977. 294 pages.

3 <http://neym.org/neym-does/witness>

4 Ibid.

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