



United States Mission to the OSCE

Working Session 16 (Specifically Selected Topic): Rights of the Child

As prepared for delivery by Ambassador Michael Kozak,
Head of Delegation
OSCE Human Dimension Implementation Meeting
Warsaw, September 29, 2016

The United States is proud to be a global leader in the fight to eliminate the abuse and exploitation of children worldwide, including in the United States. We are pleased to contribute to this discussion on the important topic of the Rights of the Child.

The Convention on the Rights of the Child is an important international human rights treaty. Though we are not a party, the Administration supports the goals of the Convention, which is aimed at protecting the well-being of children. We currently work to promote the rights and well-being of children in the United States, including in the areas of education, physical and mental health, and protection from violence, through existing local, state, and federal laws and mechanisms.

Given our limited time, we will highlight just a few of our initiatives related to the protection and the assistance of children in the United States and abroad.

Children in the child welfare and juvenile justice systems, and runaway and homeless youth are particularly vulnerable populations in the United States.

The Administration for Children and Families (ACF) in the U.S. Department of Health and Human Services (HHS) partners with state, local, tribal and community child welfare agencies to help address the needs of families in crisis and to protect children and youth from abuse, neglect and exploitation. Recognizing that youth who have been removed from their families due to abuse or neglect and placed in foster care are at greater risk of becoming victims of sex trafficking, recent changes in law have enhanced requirements to develop policies and procedures to identify and better serve at-risk young people in foster care. Federal law now requires that older youth in foster care have greater opportunities to have a voice in their own case planning, and that all children and youth in foster care have opportunities to engage in age- and developmentally-appropriate opportunities, such as sports, after-school clubs and social activities.

ACF funds a network of nearly 200 runaway and homeless youth emergency shelters as well as a Street Outreach Program that provides outreach to runaway and homeless youth on the streets or in areas that increase the risk of sexual exploitation. It also funds Transitional Living Program that provides longer term shelter for youth ages 16 to 22 who cannot safely live with their families. Services include counseling in basic life skills, interpersonal skill building, educational advancement, job attainment skills, and physical and behavioral health care.

Through its Family and Youth Services Bureau, HHS funds the National Clearinghouse on Families & Youth, which includes links to research on child pornography, prostitution, and other forms of exploitation. It's *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States* deals with at-risk populations, noting that boys are under-recognized as victims of sex trafficking, and that LGBT youth can be up to five times more likely than heterosexual youth to be victims of trafficking. Its research also found that LGBT youth may experience barriers to social service access related to insufficient service provider expertise in serving LGBT youth, lack of LGBT-specific resources, and discrimination. Other studies have found that LGBT youth are disproportionately represented in runaway and homeless youth programs and child welfare systems. To build capacity and better serve specific needs, we are working to develop a blueprint of LGBT-focused services for runaway and homeless youth.

Through its Developmental Disabilities programs of the Administration on Intellectual and Developmental Disabilities, HHS meets the diverse needs of individuals with developmental disabilities in each state and territory. Specifically, the Protection and Advocacy Systems (P&As) are dedicated to the ongoing fight for the personal and civil rights of individuals with developmental disabilities. P&As are independent of service-providing agencies within their States and work at the state level to protect individuals with developmental disabilities by empowering them and advocating on their behalf. P&As also provide legal support to traditionally unserved or underserved populations to help them navigate the legal system to achieve resolution and encourage systems change.

The President of the United States signed the Instrument of Ratification for the Hague Child Support Convention on August 30, 2016. The effective date for The Hague Child Support Convention in the U.S. will be January 1, 2017. Our ratification of the Hague Child Support Convention will result in more children receiving support, regardless of where their parents reside. In the past, the United States has been limited to country-by-country negotiations. Upon ratification of the Convention, the United States will immediately have a treaty relationship with dozens of countries in which the Convention is already in force.

We have prioritized the processing of asylum applications for unaccompanied children, consistent with the prioritization of the same population in immigration courts. Programs are beginning in certain locations to provide special advocates to guide children through the immigration process. We are committed to intensifying our efforts, and to setting up the necessary safeguards to prevent the exploitation and trafficking of unaccompanied children.

We provide unaccompanied children with a safe and appropriate residential environment until they are released to an appropriate sponsor while their immigration cases proceed. While in care, our residential facilities provide services such as shelter, food, clothes, basic education, recreation, and medical and legal access.

In the United States, all children have the right to equal access to public elementary and secondary education, regardless of their or their parents' immigration status. —and such schools must provide meaningful access to persons with limited English proficiency, including migrant children. Just last week, the U.S. Department of Education issued guidance to help our states, districts and schools provide effective services to improve the English language proficiency and academic achievement of English learners. The aim of

this guidance is to help improve educational outcomes for English Learners, immigrant children, and youth by promoting effective, research-based, educational language instruction programs. The guidance includes information and resources for state, district, and school personnel, including clarifications of the rights that English Learners have under federal civil rights law related to supports and services; and key information on distinct populations of English Learners, including early learners, former English Learners, immigrant students, and English Learners who are also students with disabilities.

Earlier this summer, the U.S. Department of Education issued guidance documents to assist states and school districts in supporting homeless youth and foster youth, and providing these students with much needed stability, safety, and support.

Globally, we are concerned about birth registration and children's right to nationality. In 2011, the United States launched the Women's Nationality Initiative to combat discrimination against women in nationality laws, particularly where it results in statelessness. Without documentation and legal status, stateless persons, especially women and children, face a heightened risk of being subjected to human rights abuses and violations including family separation, arbitrary arrest and detention, human trafficking, sexual and physical violence, early and forced marriage, and other forms of exploitation and abuse. They also frequently lack access to education, health care, travel documents, and lawful employment. In addition, the lack of documentation hampers the right to own property, land or other assets.

Birth registration has also become particularly important in the context of the Syrian refugee crisis. An estimated 300,000 children have been born in exile since the start of the Syria conflict, according to United Nations High Commissioner for Refugees (UNHCR) experts, though the exact population of refugees at risk of statelessness is difficult to track. We urge host governments to register refugees and to facilitate refugees' access to birth registration.

There are noteworthy efforts across the OSCE region to protect the rights of the child. In Belgium, the Flemish Parliament approved the implementation of the Decree "Integrated Youth Care." It abandons the distinction between asylum seekers and non-asylum seekers, giving rights and legal status of protection to every migrant child irrespective of his/her origin and personal history.

The Danish Immigration Service has two teams which specialize in interviewing unaccompanied children. Furthermore, it has developed internal guidelines and all caseworkers are trained in interviewing techniques appropriate to the child's age.

In Lithuania, unaccompanied migrant children who are not returned to their home country are provided with a temporary residence permit valid for no longer than one year.