

**Forum:** The General Assembly

**Issue:** Human Rights of Unaccompanied Migrant Children and Adolescents

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## Introduction

As one of the six main organs of the United Nations, the General Assembly provides all member states to discuss a wide array of international problems, like human rights of children which is in a critical state at present. In order to prevent the violation of the human rights of unaccompanied migrant children and adolescents, the General Assembly will strive to solve this critical situation.

Children migrate for many reasons. Some are asylum seekers fleeing war, gangs, religious discrimination or persecution in their home countries, while others are victims of sex trafficking or slavery. Children may also migrate in search of economic opportunities, to join parents or relatives already living in the destination country, or to flee abusive situations in their home countries.

There is one key difference between unaccompanied immigrant children and adult migrants. Young migrants are more vulnerable than adult migrants and are less likely to be seen, at least in the long term, as potentially productive members of society by host countries. Their status as minors has called into question whether some special exception to immigration law or procedures must be created for them.

United States and European countries are now making concerted efforts to address the status of unaccompanied children in immigration laws and policies. Proposals to establish a special protective status for unaccompanied migrant children have generated considerable controversy within the United States and many countries in Europe. Some believe that the status for unaccompanied minors will encourage more such migration. Consequently, many laws and policies appear at odds with each other, as states struggle with whether they should protect immigrant minors because they are children or punish them because they crossed borders illegally.

## Definition of Key Terms

### Unaccompanied minors

Children separated from both parents and other relatives and are not being cared for by an adult who, by law or custom.

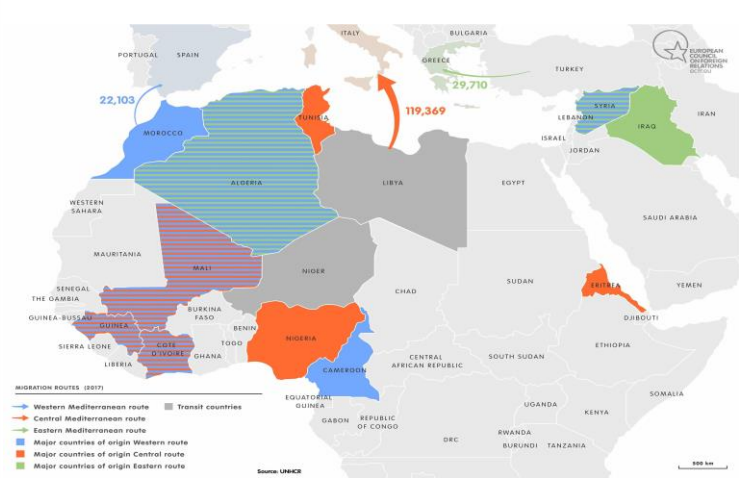
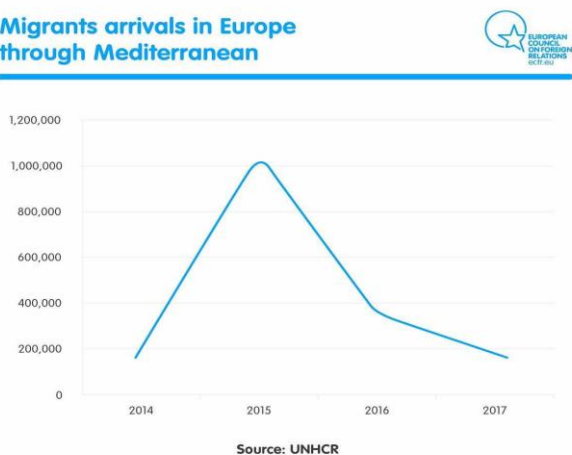
### Children migrants

It is the movement of people ages 3-18 within or across political borders, with or without their parents or legal guardian, to another country or region. They may travel with or without legal travel documents. They may arrive at the destination country as refugees, asylum seekers, or economic migrants.

### European Migrant Crisis

The European migrant crisis or refugee crisis is a term given to a period beginning in 2013 when rising numbers of people arrived in the European Union (EU) from across the Mediterranean Sea or overland through Southeast Europe. It is part of a pattern of increased immigration to Europe from other continents which began in the mid-20th century and which has encountered resistance in many European countries.

Migrants arrivals in Europe through Mediterranean



### Child trafficking

Child trafficking, a form of human trafficking, is the recruitment, transportation, transfer, harboring, and receipt of a child for slavery, forced labor, and exploitation. This definition is substantially broader than the same document's definition of "trafficking in persons" Children may also be trafficked for adoption.

## Background Information

### General Overview

The Human Rights Council Advisory Committee prepared a study entitled “Global issue of unaccompanied migrant children and human rights”. The study aims to provide a comprehensive analysis of the situation of unaccompanied migrant children and adolescents from a human right perspective. It, additionally, identifies areas of the world and cases where this issue arises, the reasons for them and how human rights are threatened and violated, recognizing best practices and making recommendations for the protection of the human rights of unaccompanied migrant children and adolescents.

In 2015, 15% of all international migrants were under the age of 20 years. The proportion of young migrants was significantly higher in the developing regions (22%) than in the developed regions (less than 10%). In the same year, children and adolescents constituted more than half of the total refugee population; and unaccompanied or separated children lodged more than 100,000 asylum claims. Nearly one in three children and adolescents living outside their country of birth is a refugee; for adults, the proportion coming under the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) is less than 1 in 20. Unaccompanied migrant children and adolescents are a particularly vulnerable group because of their dual status as minors, which requires special protection, and as migrants, which exposes them to all kinds of severe breaches of their fundamental rights.

Migration of children and adolescents is usually caused by multiple violations of the human rights in their countries of origin, lack of protection from various manifestations of violence, poverty, lack of opportunities, poor access to education and health services, ill-treatment at home and multiple kinds of threat, intimidation, and insecurity.

There are countries, like Colombia, that reported many cases of teenagers who left their places of origin due to violence and never applied for refugee status. This phenomenon also exists in some isolated areas in the Dominican Republic, where adolescents migrate due to violence and economic reasons. In the case of Bolivian children, as well as in Ecuador, the leading cause is economic. Cases of children and adolescents who migrated as a result of natural disasters are also reported, mainly in the case of Haiti.

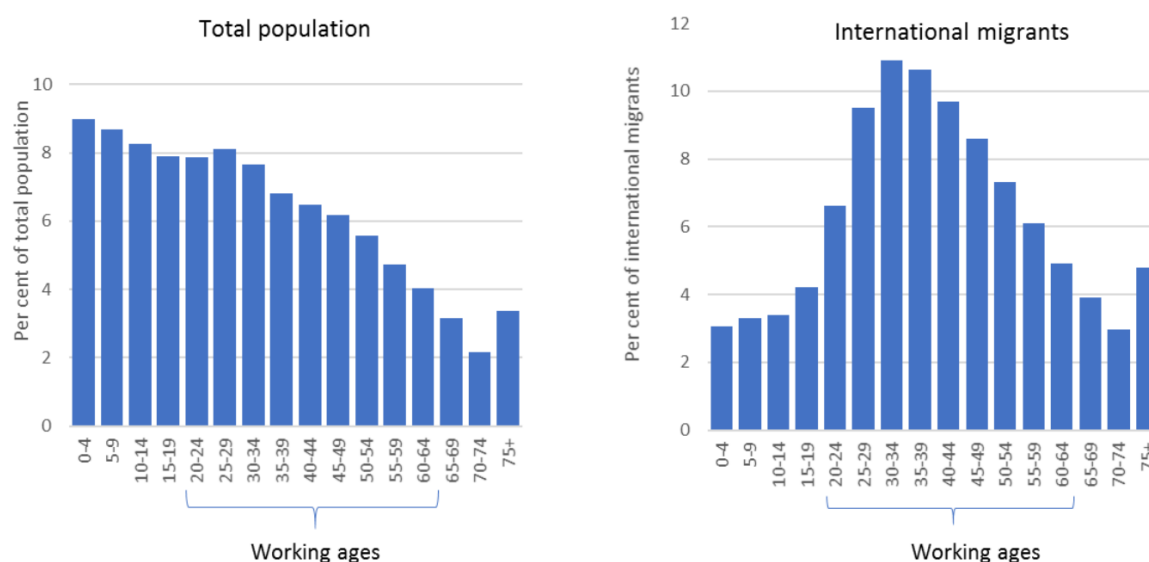
With the growing difference in living standards and wages between countries of destination and of origin, children are attracted towards those nations with higher standards of living and job opportunities that they do not find in their own countries. Child migrants, as is the case in the migration flows to North America, have the perception that migrating northward is the best way of improving the personal status and quality of life, given the gap between North America and Central America in terms of human development.

Extreme poverty has historically been one of the main motivations for children to leave their homes as is the case of Central America. In Guatemala, 41.7% of children suffer from chronic malnutrition, a percentage that is higher in regions with large indigenous populations. According to interviews conducted by the Social Welfare Department and the Attorney General's Office of Guatemala (Procuraduría General de la Nación) with 10,166 unaccompanied migrant children and adolescents in 2015, 67% were searching for jobs, 23% were due to family reunification, 2% were looking for better opportunities and 0.4% do not know the reasons (this is the population aged 0 to 5 years). Only 0.1% mentioned direct violence as a reason to move.

There is a lack of or strict criteria to qualify for regular channels for family reunification. In Europe, there are often minimum income requirements on adults to sponsor their children for family reunification, excluding low-income migrant workers, and at times having a particularly discriminatory effect on migrant women. Despite common EU legislation on family reunification, there remain restrictions in some EU Member States in terms of the age of the child and the family members that can sponsor the child. Furthermore, some migrant workers are unable to apply for official family reunification as they are not legal residents in the country of destination. This problem leads to many children migrating unaccompanied or separated to join parents or other family members in countries of destination.

In conclusion, as a member of the General Assembly, we should emphasize concern about bad conditions of migrants, especially unaccompanied or separated children and adolescents who were forced or decided to leave their origin countries because of the above reasons, in countries of transit and destination. These young migrants may face venturesome human right breaches threatening their physical, emotional or psychological integrity. They also may encounter human rights violations on the hands of crossing borders gangs or criminal groups, such as kidnapping, blackmailing, physical violence, human trafficking, and sexual exploitation. We should all devote to solve these severe situations of unaccompanied migrant children and adolescents during the conference.

### Age distribution of the total population and of international migrants worldwide, 2017



## Major Countries and Organizations Involved

### United Nations Human Rights Council (UNHRC)

The Office of the High Commissioner for Human Rights (UN Human Rights) is the leading UN entity on human rights. The General Assembly entrusted both the High Commissioner and her Office with a unique mandate to promote and protect all human rights for all people. The United Nations Human Rights program aims to ensure that the protection and enjoyment of human rights is a reality in the lives of all people. UN Human Rights also plays a crucial role in safeguarding the integrity of the three interconnected pillars of the United Nations – peace and security, human rights and development.

### The United Nations International Children's Emergency Fund (UNICEF)

The United Nations International Children's Emergency Fund was created by the United Nations General Assembly on 11 December 1946, to provide emergency food and healthcare to children in countries that had been devastated by World War II. UNICEF relies on contributions from governments and private donors. Governments contribute two-thirds of the organization's resources. Private groups and individuals contribute the rest through national committees. It is estimated that 92 per cent of UNICEF revenue is distributed to program services. UNICEF's programs emphasize developing community-level services to promote the health and well-being of children.

### United Nations High Commissioner for Refugees (UNHCR)

The Office of the United Nations High Commissioner for Refugees (also known as the UN Refugee Agency) is a United Nations programme with the mandate to protect refugees, forcibly displaced communities and stateless people, and assist in their voluntary repatriation, local integration or resettlement to a third country.

### European Union (EU)

The European Union (EU) is a political and economic union of 28 member states that are located primarily in Europe.

### Mexico

In the highest flow of migration in Latin America, Mexico is a country of origin, transit, destination, and return for migrants. Migrants are migrant children of Mexican origin that intended to enter the United States or, children of any other nationality who arrive in Mexico as a country of destination or transit on their way to the United States. In recent years, the arrival and irregular movement of children and adolescents in Mexico has increased enormously, mainly from Central American countries. According to UNICEF Mexico, the number of unaccompanied migrant children and adolescents who were detected by Mexican immigration authorities increased by 333% from 2013 to 2015.

## The United Kingdom

The practice of sending poor or orphaned children to the English settler colonies, to help alleviate the shortage of labor, began in England in 1618, with the rounding-up and transportation of 100 vagrant children to the Virginia Colony. Before the second half of the twentieth century, the Home Children programme was considered as a way to move impoverished children to a "better life" in Australia, Canada and elsewhere, also providing good "white stock" to former colonies. The children and parents were not consulted, and often siblings were separated. In total 130,000 children were sent from the United Kingdom to Canada, New Zealand, South Africa, Rhodesia (now Zimbabwe), and Australia. Often children were lied to about their parents being dead and many-faced abuse in their new homes. In February 2010 British Prime Minister, Gordon Brown issued an official apology for the 'shameful' child resettlement programme and announced a £6 million fund designed to compensate the families affected by the "misguided" programme. The Child Migrants Trust has since set up the Family Restoration Fund in order to use this money to help reunite former child migrants with their families as part of the British government's package of support to former child migrants and their families.

During the Second World War, some 3.5 million children were evacuated from areas at risk of aerial bombing to rural locations. (see Evacuations of civilians in Britain during World War II.)

## The United States

During the 19th century, there were many attempts to move children from crowded east coast cities to Midwestern and western rural families & orphanages. Most famous was the orphan train movement. Additionally, Native American children were separated from their families & sent to boarding schools to force them into assimilating western culture.

Besides, nearly 10,000 unaccompanied minors from Jewish families in Nazi-occupied Europe were transported to safety in the UK during World War II.

## Timeline of Events

<b>Date</b>	<b>Description of event</b>
1989.11.20	The Convention on the Rights of the Child passed
1990.12.18	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families passed on the General Assembly
2001.1	Effective abolition of child labor

2005	The Council of Europe Convention on Action Against Trafficking in Human Beings passed
2010	European commission actualized action plan on unaccompanied minors
2014	American immigration crisis
2018.12.10	The intergovernmental conference to adopt the global compact for safe, orderly, and regular migration.

## UN Involvement

In December 1998, the United Nations General Assembly established an intergovernmental, ad-hoc committee and charged it with developing a new international legal regime to fight transnational organized crime.

Article 2.1 of the UN Convention on the Rights of the Child (written in 1990) which the United Nation written in 1990 states that all member states must ensure children's rights indiscriminately regardless of their or their legal guardian's race, color, sex, language, religion, etc. Governments should thus ensure the security of children in migration and that they are free from child labor.

According to article 37 of the Convention on the Rights of the Child, the detention of unaccompanied migrant children is a serious human right violation. However, there are exceptions in some countries like Belgium that when a child arrives at the border with age in doubt, the child can be held in detention for three working days (exceptionally extendable for another three working days). Once the child's minority has been proved, he or she has to be transferred to an Observation and Orientation Centre within 24 hours. Those all established the foundation of protection of children's right.

## Relevant UN Treaties and Events

- The Convention on the Rights of the Child **(No.27531)**
- The Council of Europe Convention on Action Against Trafficking in Human Beings
- International Convention on the Elimination of All Forms of Racial Discrimination**(A/RES/2106)**
- The International Convention on the Protection of the Rights of all Migrants Workers and the Members of Their Families



## Previous Attempts to solve the Issue

In order to face the increasing flow of unaccompanied migrant children in Italy, the Italian government implemented a new reception system in 2015 with the aim of setting up first-assistance reception centers dedicated to migrant children. First health care actions to children in Italy are regular procedures for the identification of potential physical and psychosocial problems, in the very early stages, in order to ensure adequate health and educational support during the continuation of the reception procedure. Psychosocial customized support actions are needed due to the psycho-physical stress of the trauma caused by the journey and due to the painful personal experiences of migrant children.

In Belgium, the Flemish Parliament approved the implementation of the Decree “Integrated Youth Care” that 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 country has developed a task force on unaccompanied migrant children in 2009, which examined possible actions to reduce the risk for this group of migrants, particularly the risk of being a victim of smuggling and human trafficking. The task force addressed several recommendations to the Minister in charge and emphasized prevention, detection, identification and monitoring of unaccompanied children in situations of potential abuse

In Azerbaijan, some shelters provide nutrition three times a day, special medical assistance, housing space and local language classes. Additionally, the High Commissioner for Human Rights has the right to enter any of the housing centers without prior notification and make recommendations that have to be implemented within a defined period. However, not every unaccompanied migrant child has a respectful and proper treatment in Azerbaijan. As has been reported by the local Ombudsman, children from the streets were picked by NGOs and placed in their shelters; it was found that no effective rehabilitation work had been done with them and no professional legal aid had been provided either.

In most European countries, there are many national programs for protection, reception, and assistance of migrant children. Also, some European Countries are implementing interventions aiming at creating a well-defined reception system organized in highly specialized structures and special facilities. For instance, 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. The caseworkers are thus able to approach the unaccompanied children with questions appropriate to their age. Migrant children in Spain, whether accompanied or not, have a qualified regime that requires the administration to consider the best interests of the child in all proceedings affecting them. However, there is no authority, yet that specifically deals with children and young migrants.



## Possible Solutions

States of origin should reinforce their legislative, administrative, budgetary and political efforts to give the first priority to fulfil the rights of their children as the lack of basic needs as education, food, and training for work, special protection against all form of violence and discrimination are the basis of children's decision to abandon their lands. Local, national, regional and international protection systems should be revised and strengthened. In most cases, the problem is not the lack of legislation or of programs designed to protect migrant children but the lack of effectiveness in their application. And it is highly recommended to the States of origin, transit and destination to implement a participatory national policy of child migrants. A policy based on a human rights approach should analyze the financial, economic, social, cultural and administrative aspects of child migration, particularly about child trafficking and labor exploitation.

Reconciling domestic laws with international standards and restructuring outdated practices and rules are essential. Many countries are not yet applying individual rights that are contained in the Convention on the Rights of the Child. For example, the regulation of the grounds for expulsion and the procedure for its execution does not make a special mention of children. Meanwhile, legislation on child protection also lacks an approach that considers the particular situation of unaccompanied migrant children.

Every state should ensure that the support centers serve as first contact points for unaccompanied children and have special secure accommodation capacities solely for unaccompanied children. Also, they need to provide an array of humanitarian assistance for the unaccompanied children at the same time such as shelters, food, high-quality education and so on. They can ask some help from the UNICEF or UNHCR if it's necessary.

There is no doubting that we should develop boundary committees to allow partners from countries of origin, transit, and destination to meet and present the issues and problems of common interest, and improve coordination for more effective and efficient protection of the rights of unaccompanied migrant children. For addition, we may provide information to migrant children that are adapted to their age and cultural conditions, using simple and clear language; if necessary, the support of an interpreter should be available.

The Advisory Committee recommends to States to take into account the different categories of unaccompanied migrant children their characteristics and situations in the design of policies and programs to realize their human rights. However, these classifications should not lead to abandoning a holistic approach to child rights.

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