

**Forum:** UNICEF

**Issue #UF-02:** The role of governments in the protection of migrant children

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## Introduction

Millions of children forcibly or voluntarily migrate every year, accompanied, or unaccompanied, from their native territories in search of better living conditions. Common factors that promote child migration are poverty, limited access to education, violence, discrimination, political instability, and climatic hazards. However, children also face hardships during their journeys or at their destination, due to a variety of reasons such as detention, abuse, lack of access to educational and health services, and discrimination. It is essential that governments commit to protecting migrant children to ensure their rights are guaranteed.

## Definition of Key Terms

### Migrants

“An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons” (IOM, 2019).

### Unaccompanied children

“Children, as defined in Art. 1 of the Convention on the Right of the Child, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so” (IOM, 2019).

### Internally Displaced Persons (IDPs)

“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence ... and who have not crossed an internationally recognized State border” (IOM, 2019).

### Asylum seeker

“An individual who is seeking international protection ... whose claim has not yet been finally decided on by the country in which he or she has submitted it” (IOM, 2019).

## Issue Overview

### The journey

#### *Abuse, child labor, and human trafficking*

A study by IOM and UNICEF (2017) reported that 69% of adults crossing the Central Mediterranean route admitted to having faced some kind of exploitation, in comparison to 77% of children (p. 41).

Migrants are often common targets to abuse because of the lack of legal protection their irregular status provides. UNODC (United Nations Office on Drugs and Crime) (2018) suggested that dependence on smugglers to cross the border makes the migrant particularly vulnerable, especially if they are underage, which creates opportunities for exploitation (pp. 41-42). Human trafficking of migrant children for child labor purposes is a common means of abuse encountered in migration journeys. Child migrants oftentimes employ a “pay-as-you-go” method to compensate the smuggler for their services. UNICEF (2016) has categorized this method as debt bondage (p. 11). In some cases, the kind of practices children are involved in to pay for their journeys include sexual work. For instance, young women refugees from Ethiopia, Eritrea, and Kurdistan reported exchanging sexual services as payments for their journeys in a 2016 French interview<sup>1</sup>.

### Detention

According to the European Commission (2017), over 100 countries generally detain migrant children migrating into their territories (p. 15). According to an RMMS (Regional Mixed Migration Secretariat) study, “the age assessment procedure is assessed as not sufficiently developed in most European countries”, resulting in the unlawful detention of several minors (The Regional Mixed Migration Secretariat, 2016, 52).

#### *Treatment: Violence, abuse, and exploitation*

The RMMS study (2016) collected testimonies by children who have been in detention, reporting mistreatment including forced isolation, overcrowding, intentional burning, forced exposure to extreme weather, restriction to food and clean water, and scarcity of basic sanitation. Some child detainees have also reported witnessing the execution of other migrants.

#### *Physical health*

The absence of vaccination practices makes detained children prone to infectious diseases. Moreover, unsafe sexual practices are promoted by detention environments,

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<sup>1</sup> The Regional Mixed Migration Secretariat. (2016). *Young and on the Move - Children and youth in mixed migration flows within and from the Horn of Africa*. <https://mixedmigration.org>, p. 54

where the coexistence of adult and unaccompanied children elicit abusive child-adult relationships; unaccompanied children lack familiar support and are vulnerable to external pressures, and access to contraceptive methods is greatly restricted. Young migrants are also often been deprived of basic sexual education. As a result, child pregnancies and the transmission of sexual diseases are common.

### *Mental health*

Even in short periods of detention, children can display signs of depression, anxiety, sleep complications, and eating difficulties<sup>2</sup>. Feelings of confusion and isolation may be instilled by the overall lack of freedom and entertainment facilities. Behavioral issues may also arise as a consequence of child detention. According to HREOC (Human Rights and Equal Opportunity Commission) (2004), being in the presence of acts of violence and abuse may encourage the replication of said actions because of children's nature to internalize behaviors within their environment (pp. 383-385). A study by the International Detention Coalition (2012) suggested that the consequences of detention may continue to impact children socially, emotionally, and physically beyond the period of detention (p. 55).

## **Deportation**

Evidence indicates deportation is rarely effective as a deterrent to immigration. Migrants are returned to the country with the conditions that once led them to emigrate, so a great majority try to leave their countries of origin again after return, forcing migrant children to face the same deadly routes. Moreover, deportation protocols often lack the safeguards that ensure the Best Interests Assessment<sup>3</sup> is conducted prior to returning unaccompanied children to their departure countries. Accompanied children are often deported together with their families as “their best interests are rarely considered separately from their parents” (UNICEF, 2017, 32).

## **Destination countries**

### *Lack of access to health and education*

As the RMMS (2016) wrote, the “lack of fixed residence, documentation, and local language, and fear that their irregular status will be reported can all inhibit the chances of these groups accessing education, health or other services” (p. 55). In fact, “68 per cent of refugee children are enrolled in school” and “the gross enrolment for refugees

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<sup>2</sup> Lorek, A. (2009). The mental and physical health difficulties of children held within a British immigration detention center: A pilot study. *Child Abuse & Neglect*, (33), pp. 573-582.

<sup>3</sup> “Best interests assessment (BIA). A BIA is an assessment of an individual child, designed to ensure that the child's best interests are the foremost consideration. A BIA must be conducted by staff with adequate training and with participation of the child in the process. A BIA should take place as soon as a child is found to be at risk; it can be reviewed and updated regularly until a durable solution is implemented. A BIA should be carried out, for example, before tracing occurs or a child is found temporary care. A BIA should be seen as an essential element of case management and general child protection.”

Source: UNHCR. (n.d.). *Best Interests Procedure*. UNHCR|Emergency Handbook. Retrieved January 22, 2022, from <https://emergency.unhcr.org/entry/44308/best-interests-procedure>

plummets at secondary level, averaging just 34 per cent” (UNHCR, 2021, 6). Scarcity of specialist care, immunization practices, and basic healthcare services are all common issues amongst migrant children as well.

### Discrimination

Migrant children “are often the victims of discrimination, racism and xenophobia - during their journeys and in their final destinations” (UNICEF, 2018, 5). Over 80% of adolescents and young people from sub-Saharan Africa, who were surveyed after traveling the Central Mediterranean route towards Europe, reported experiencing some form of discrimination<sup>4</sup> (International Organization for Migration & UNICEF, 2017, 39). Forms of discrimination include deprivation of statehood and restriction to health and educational services, as many refuse to seek these services due to fear of deportation<sup>5</sup>.

### Historical Background

The first recorded cases of child migration happened in 1618 when England began to displace poor or orphaned children to their colonies<sup>6</sup>. The Second World War was one of the most relevant events that led to the child migration, with millions being displaced in multiple European countries, especially those of Jewish provenance. Although the data on the history of child migration in Africa is extremely fragmented, there is evidence that African children experimented internal, trans-Saharan, and transatlantic displacement, either due to labor, religious, or slavery-related purposes.

### Latest Events

“In 2020, the number of international migrants reached 281 million; 36 million of them were children” (UNICEF, 2021). The Migration Data Portal (2021) estimates that from 1990 to 2020, the proportion of migrant children increased in Europe, Oceania, Latin America, and the Caribbean while staying stable in Africa, where the proportion of child migrants is the highest. The main reasons that lead to increased child migration as of recent are sociopolitical factors such as poverty, limited access to education, violence, discrimination, political instability, and climatic hazards. Moreover, the number of unaccompanied children in 2016 was counted to be five times greater than in 2011. “Limited opportunities for families to move together can force children to migrate alone in order to reunite with their families” (UNICEF, 2018, 3).

<sup>4</sup> International Organization for Migration & UNICEF (Eds.). (2017). *Harrowing Journeys: Children and Youth on the Move Across the Mediterranean, at Risk of Trafficking and Exploitation*. United Nations Children's Fund, The (UNICEF), p. 39

<sup>5</sup> Lambda Legal. (2014). *When Health Care Isn't Caring Lambda Legal's Survey on Discrimination Against LGBT People and People Living with HIV*. Lambda Legal. [https://www.lambdalegal.org/sites/default/files/publications/downloads/whcic-report\\_when-health-care-isnt-caring.pdf](https://www.lambdalegal.org/sites/default/files/publications/downloads/whcic-report_when-health-care-isnt-caring.pdf), pp. 12-13

<sup>6</sup> Independent Inquiry Child Sexual Abuse. (2018). *Child Migration Programmes - Investigation Report March 2018*. IICSA Independent Inquiry into Child Sexual Abuse. <https://www.iicsa.org.uk/key-documents/4265/view/child-migration-programmes-investigation-report-march-2018.pdf>, p. 6

## Major Parties Involved

### UNICEF

“We provide life-saving humanitarian supplies in refugee camps. We run child-friendly spaces – safe places where children on the move can play, where mothers can rest and feed their babies in private, where separated families can reunite. We support national and local governments to put in place laws, policies, systems and services that are inclusive of all children and address the specific needs of migrant and displaced children, helping them thrive” (UNICEF, n.d.).

### IOM

IOM advocates “to promote child-sensitive migration policies and programming, alternatives to detention of migrant children and to facilitate children’s access to protective and assistance services that address their specific needs regardless of their migratory status”. IOM also creates partnerships “to encourage responses to migration crises recognizing that children are entitled to specific rights, including protection” (IOM, n.d.).

### IDAC (International Data Alliance for Children on the Move)

IDAC “is a cross-sectoral global coalition comprised of governments (including experts from national statistical offices and migration-relevant line ministries), international and regional organizations, NGOs, think tanks, academics, and civil society”. Its aim is to “improve statistics and data on migrant and forcibly displaced children” as to “support evidence-based policymaking that protects and empowers them” (UNICEF, 2020).

## Timeline of Events

Date	Description of Event
November 26th, 1924	The League of Nations adopts the Geneva Declaration of the Rights of the Child.
November 20th, 1989	The United Nations General Assembly adopts the Convention on the Rights of the Child.
June 26th, 2012	UNHCR publishes a “Framework for the Protection of Children”.
September 25th, 2015	UN General Assembly adopted the 2030 Agenda for Sustainable Development, urging UN Members to facilitate the safe migration of children on the move.
December 17th, 2018	The UN General Assembly affirmed the Global Compact on Refugees to promote international cooperation in child migration cases.
November 2nd, 2019	ASEAN Declaration on the Rights of Children in the Context of Migration restates Member States’ responsibility to adopt migration policies.
March 24th, 2021	The European Union adopts the EU strategy on the Rights of the Child and the European Child Guarantee.

## Relevant UN Treaties and Events

### UN Resolutions

- Refugee and displaced children, 5 February 1981 ([A/RES/35/187](#))
- Assistance to unaccompanied refugee minors, 11 February 1998 ([A/RES/52/105](#))
- Refugee and displaced women and children, 30 May 1991 ([E/RES/1991/23](#))
- Protection of migrants, 7 March 2006 ([A/RES/60/169](#))
- Human rights of migrants: migration and the human rights of the child, 12 October 2009 ([A/HRC/RES/12/6](#))
- Assistance to refugees, returnees, and displaced persons in Africa, 30 January 2014 ([A/RES/68/143](#))
- Migrant children and adolescents, 11 February 2015 ([A/RES/69/187](#))
- Unaccompanied migrant children and adolescents and human rights, 4 October 2017 ([A/HRC/RES/36/5](#))

### UN Reports

- Report of the Secretary-General: Study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training, and employment, 10 April 2000 ([A/CONF.189/PC.1/11](#))
- Report of the United Nations High Commissioner for Human Rights: Panel Discussion on Unaccompanied Migrant Children and Adolescents and Human Rights, 2 August 2017 ([A/HRC/36/21](#))
- Report of the Human Rights Council Advisory Committee: Global issue of unaccompanied migrant children and human rights, 24 July 2017 ([A/HRC/36/51](#))
- Report of the Secretary-General: Assistance to unaccompanied refugee minors, 24 August 2005 ([A/60/300](#))
- Report of the Human Rights Council Advisory Committee: Global issue of unaccompanied migrant children and human rights, 24 July 2017 ([A/HRC/36/51](#))

### UN Publications

- [A Child is a Child: Protecting children on the move from violence, abuse and exploitation](#), May 2017, UNICEF
- [Harrowing Journeys - Children and youth on the move across the Mediterranean Sea](#), February 2018, UNICEF
- [Uprooted: The growing crisis for refugee and migrant children](#), September 2016, UNICEF
- [UNICEF's Global Programme Framework on Children on the Move](#), November 2017, UNICEF
- [Global Study on Smuggling of Migrants 2018](#), June 2018, UNODC

## Past Action

### UNICEF

From 2017 to 2020, UNICEF implemented the program “Protecting Children On The Move in the Horn of Africa”. It proposed to strengthen case management systems, help improve social service workforces, improve access to information on child protection, support research to aid understanding of causes and vulnerabilities of COTM (Children on the Move), and attempt to support nations to establish alternatives to detention. “The programme has generally contributed positively to child protection programming in the region ... Different legal regimes in place for different categories of COTM coupled with the COVID-19 pandemic resulted in cross-border work not fully materializing. An effective system that documents and provides feedback for sharing information broadly with others on what works for COTM in different contexts was lacking.” (UNICEF, 2021, 6).

### International Community

In 2017, the Council of Europe proposed and funded an action plan to aid child migration which included “addressing root causes and protecting children along migratory routes”, “swift and comprehensive identification and protection”, “providing adequate reception in the European Union”, “ensuring swift and effective access to status determination procedures and implementation of procedural safeguards”, “ensuring durable solutions” and “respect and guarantees for the best interests of the child; more effective use of data, research, training, and funding”. It was reported that “the Strategy has been widely disseminated and promoted at the member state level”, “has had a positive impact on strategic action at the national level” and its “impact has been significant but varied across the five priority areas at the national level” (Council of Europe, 2019, 9-10).

## Possible Solutions

### Preventing displacement

The partnership between territories of arrival and departure of child migrants should be encouraged, whereby the former can provide funding, valuable information, and technical support to reinforce child protection systems and basic services.

### Protection from abuse

To facilitate the identification of cases of child trafficking, labor, or abuse, governments should give training to public and social workers, and enable migrant children to reach out by establishing easily-accessible centers where informational, counseling, and assistance services can all be provided.

To ensure the best reception of COTM, governments should provide training to social, governmental, and legal workers on the Best Interest Assessment. The establishment of cross-sectoral working groups can aid collaboration between child protection agents. Governments should compromise to set up legal channels for migrations where children can resettle together with their families, such as special visas.

The establishment of standard operating procedures, the training and standard regulation of volunteers, and the provision of networks to aid collaboration between these are great ideas to make child reception services more accessible for national funding and improve the quality and agility of child protection.

### Ending detention

Governments can financially and legally support initiatives to implement ATDs (alternatives to detention) which respects children's rights and provide access to local community services with the aid of local civil society, faith-based organizations, or the implementation of trained guardianship systems. Governments can promote the implementation of ATDs by issuing legislation prohibiting detention, and local governments can compromise to gather data on the effectiveness of ATDs to influence their national policy.

### Providing access to services

National authorities can facilitate migrant children's access to residence and birth registration, healthcare and educational services, without fear of detention, through the establishment of firewalls, "designed to ensure, particularly, that immigration enforcement authorities are not able to access information concerning the immigration status of individuals who seek assistance or services" (Crépeau & Hastie, 2016, 165). Ways to implement firewalls include governmental service cards which guarantee access to public services.



## Preventing discrimination

Governments can begin combating discrimination by ending policies that criminalize and discriminate according to the legal status of residents. Governments can prevent discrimination within communities by creating housing availability via city planning, the creation of housing development schemes. The use of existing unused infrastructure can help lower the cost of financing these schemes. Encouraging schools to disseminate information regarding child's rights can promote inclusivity, and help migrant children adapt to their new communities.

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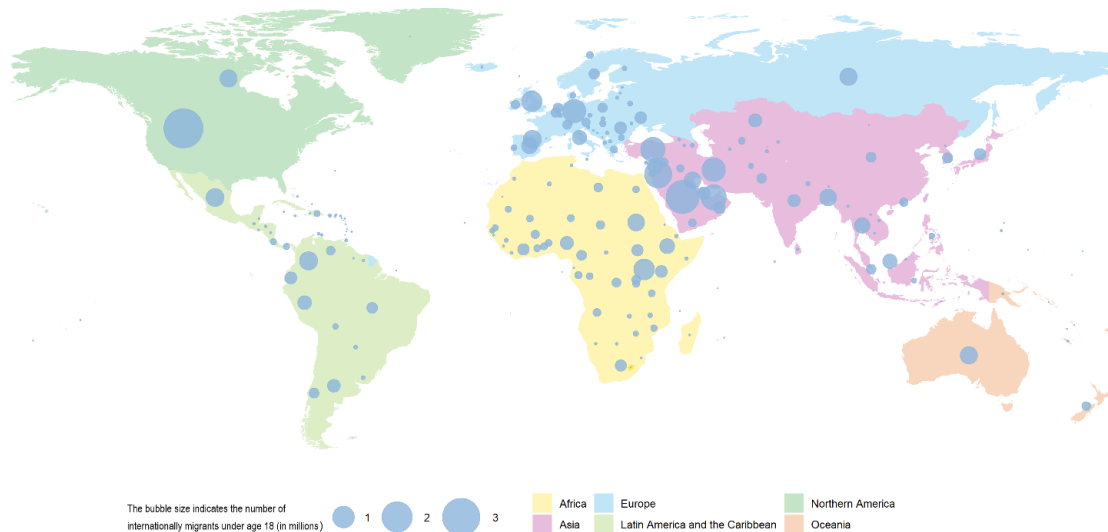
## Appendix or Appendices

### Appendix I - Figure 1

Outputs	Broad action and strategies proposed to reach this output
<b>Output 1:</b> Case management systems are strengthened to provide improved services to COTM and children at risk of violence and exploitation.	The creation/adaptation of case management protocols and an inter-operable information management system that supports and tracks case management, incident monitoring, and programme monitoring as well as provision of protective services through strengthened case management systems reinforced by a child protection information management system (Primero).
<b>Output 2:</b> The social service workforce has improved capacity to respond to the needs of at-risk children at national and sub-national levels.	Specific activities included setting up frameworks regarding the social service workforce to help countries plan, develop and support this workforce; establishing university-based social work curricula, which include degree, diploma and certificate courses; and training social workers on effective case management appropriate to COTM in source, transit and destination sites. Also envisaged was the facilitation of social service workforce working group meetings with relevant government and non-governmental actors and an eventual implementation workshop convened alongside other relevant initiatives by the Intergovernmental Authority on Development (IGAD), the European Union Better Migration Management or other regional actors.
<b>Output 3:</b> Vulnerable children and communities have improved access to integrated social and child protection services and information on available safe migration options and the risks of irregular migration.	The development and dissemination of education and communication materials highlighting alternatives to unsafe and irregular migration, risks of movement, safe pathways, available services along migration corridors was proposed. Dissemination included through social media and identified social workers and established protection desks. Research findings from Output 4 should inform the advocacy strategy. Integrated life skills and innovation training as well as cash assistance was also planned. Suggested activities included setting up child protection desks and community-based mechanisms providing information on child protection and addressing harmful norms. Providing youth at risk with life skills and vocational training through the UNICEF UPSHIFT programme <sup>12</sup> was also proposed.
<b>Output 4:</b> Quantitative and qualitative data are available to enhance knowledge and inform programming on COTM.	Learning and information on inter-agency and cross-border coordination mechanisms; coping strategies for child and youth migrants; enablers and facilitators of migration; and child protection systems mapping was planned. The research component also comprised a study, conducted by the UNICEF Office of Research (OoR)-Innocenti, to improve understanding of what drives children and young people to migrate; their vulnerability to harm during journeys; and experiences of interacting with (or avoiding) authorities/systems and support established to protect them including through information child protection mechanisms.
<b>Output 5:</b> All children and particularly those on the move have improved access to legal protection.	UNICEF planned to support national authorities to establish/strengthen alternatives to detention. This was to include, for example, technical support to review legislation to include safeguards for children, promoting birth registration systems and awareness, and working with the police for release of children from detention and reunification with their families.

Figure 1. Table of outputs of the COTM program, discussing the strategies proposed to achieve each output,.  
 Extracted from: UNICEF. (2021). *Programme Evaluation: Protecting Children On The Move in the Horn of Africa*. UNICEF, New York. <https://evaluationreports.unicef.org/GetDocument?fileID=17407>, p. 16

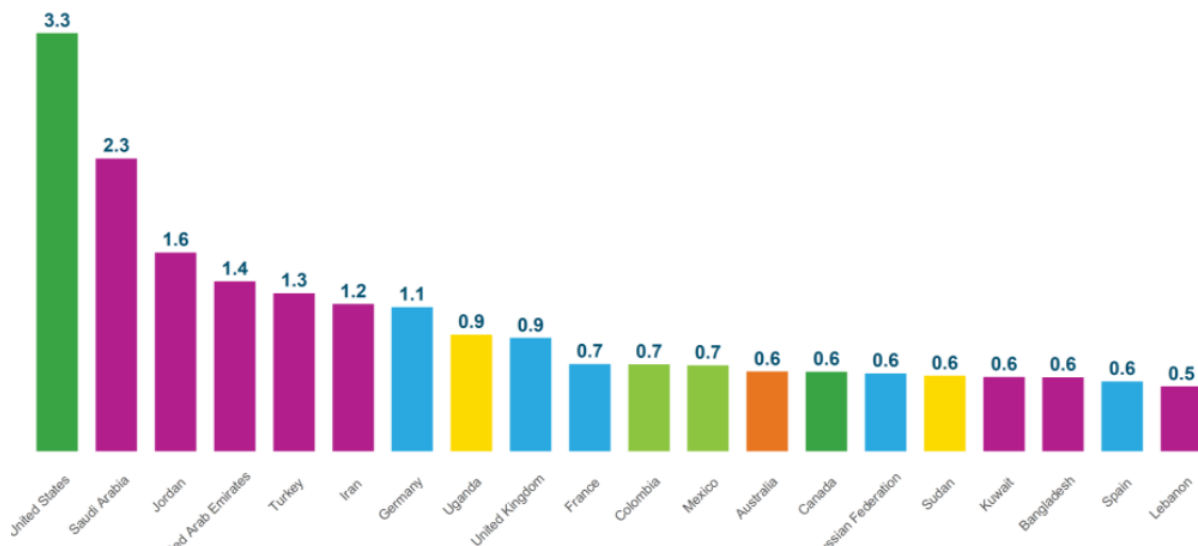
**Appendix 2 - Map indicating the size of international child migrant stock by country of residence, as of 2020.**



**Figure 2. Map indicating the size of international child migrant stock by country of residence, as of 2020. Extracted from: UNICEF. (2021, April). Child Migration. UNICEF Data. Retrieved January 16, 2022, from <https://data.unicef.org/topic/child-migration-and-displacement/migration/>**

**Appendix 3 - Chart listing the top 20 countries of international migrants under 18 years of age**

Top 20 hosting countries of international migrants under 18 years of age, 2020 (in millions)



**Figure 3. Chart listing the top 20 countries of international migrants under 18 years of age. Extracted from: UNICEF. (2021, April). Child Migration. UNICEF Data. Retrieved January 16, 2022, from <https://data.unicef.org/topic/child-migration-and-displacement/migration/>**

**Appendix 4 - UNICEF’s Agenda for Action for Refugee and Migrant Children, extract from “Global Program Framework on Children on the Move”**

1. Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence;
2. End the detention of children seeking refugee status or migrating;
3. Keep families together as the best way to protect children and give children legal status;
4. All refugee and migrant children keep learning and have access to health and other quality services;

5. Press for action on the underlying causes of large scale movements of refugees and migrants;
6. Promote measures to combat xenophobia, discrimination and marginalization in countries and areas of transit and destination.