

Forum: Human Rights Commission

Issue: Implementing measures to ensure the protection of migrant children's human rights

Student Officer: Florencia Römer

Position: Deputy President

Introduction

The migrant children face diverse issues during migration and in their destination, a significant amount of those times they have to face those issues on their own, without their families. The problems they encounter with are usually violence, abuse, exploitation and discrimination, those create obstacles when the children want to access education or even health resources (UNICEF, n.d.).

It is evident that this issue is rising significantly each day. In 2005, four million child refugees were recorded, while in 2015, there were nine million child refugees. These child refugees are five times more likely to not go to school than non-refugee children, clearly interfering with their right to an education. The lack of education is not the only right that is violated, not only in refugees, but with migrants in general. In 2016, from 50 million displaced children, more than half of them (28 million approximately) suffer violence and insecurity. These children are not to blame for the conflicts, but are the first victims of war and poverty (UNICEF, 2016).

The Human Rights Committee is not responsible for finding a solution to the issues occurring on each country, but what they should try to do is find the optimum resolution to protect the children while the issues are still unresolved.

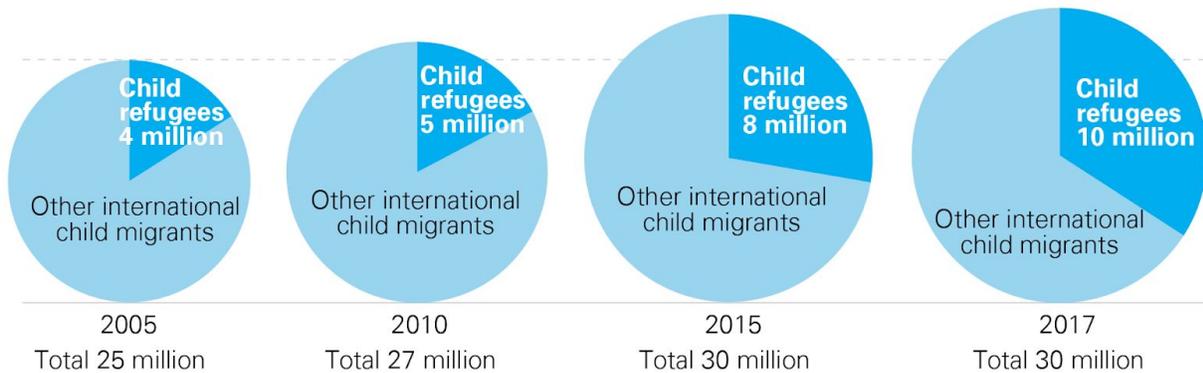


Figure 1: **Child Displacement - UNICEF Data.** Nearly one-third of children living outside their country of birth are refugees (UNICEF, 2016).

Definition of Key Terms

Committee on the Rights of the Child (CRC)

The UN body composed by 18 members of different countries, those countries need to be in a high moral position since one of their functions is to control the application of the Convention on the Rights of the Child, a treaty where children and adults are placed as equal. Since the CRC has to protect children no matter what nationality they have or if they are migrants, they are key in order to solve the issue (UNICEF, 2008).

Detention

When irregular immigrants are considered to be criminals, they are detained and punished under national law. Detention consists of mainly physical and sexual abuse, lack of basic medical care, and in the case of children, the separation of their family members (UNICEF, 2008).

Migrant

According to the UN International Organization for Migration (2016), a migrant is *any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence*. Migrants can be legal or illegal, voluntary or involuntary, with different causes and duration of migration.

Asylum seeker

Someone who leaves their country of origin due to political issues, wars or with the hope of having protection from the future country's government (Cambridge, n.d.).

Refugee

People who are outside of their country of origin due to conflicts, violence or any other disturbing situations. Not all of the migrant children are refugees, but a significant amount of them are, as seen in "Figure 1" the number of refugees has increased significantly over the course of 12 years. The refugees are a fraction of migrants, they are victims of violence, and their rights are supposed to be protected no matter which country they are in (United Nations, n.d.).

International migrant stocks

An approximation of the total international migrants in a country at a specific time (Migration Data Portal, 2018).

Juvenile justice

Laws, policies and protocols that should be followed if an adult person commits an offense or violation of the law. Even though illegal immigrants commit an offense, the CRC still insists on having a distinctive juvenile justice, where all rights are protected (Britannica, 2016)(IOM, 2008).

Guardian

The Committee on the Rights of the Child stated in one of their treaties that *"States are required to create the underlying legal framework and take necessary measures to secure proper representation of an unaccompanied or separated child's best interests."* Therefore a guardian is essential for the issue being tackled, since the unaccompanied children would need a guardian in order to proceed with legal obligations until the age of majority (IOM, 2008).

Birth registration

The CRC states that birth registration is a must in order to secure the child's rights, this being key to the issue since it is dealing with children who suffered wars, abduction or being

abandoned, and the birth registration would allow them to access school, health care, protection, etc (IOM, 2008).

Anchor child

This is a term given to children born in the United States of America, whose parents are illegal immigrants, meaning they are not considered proper Americans since they believe their parents had them to obtain their citizenship. This is relevant to the issue since it is a way of not respecting the child's rights by classifying them, even though they have the American citizenship (Stanford University Press, 2017).

Refugee camps

An accommodation for a certain amount of time, for those migrants that had to flee their home unwillingly, due to violence and persecution. Those camps will provide protection, food, water and other necessities to those people in vulnerable situations (UN Refugee Agency, 2018).

Background Information

According to the author Ed Fuller (2014), there has been an increase of people living outside their country of origin for up to 40% only in the last decade, but this was stated in 2014, meaning the increase now is even larger than the 200 million recorded that year. According to the IOM (2014), it is very unclear how much of those migrants are illegal, but the round up to 15 to 20% of them.

Causes

Although it is impossible to calculate the exact number, there is a large number of children that cross borders nowadays, making the causes of their migration, legal or illegal, important to mention. One of the main reasons can be because of wars, conflicts or the children may find themselves in a position that compromises their human rights. Another reason can be because of natural disasters (earthquakes, tsunamis, cyclones, etc.), or because of poverty, some of these children are forced to abandon their country on their own because their parents or guardians believe they may achieve a better lifestyle outside their country of origin (International Detention Coalition, 2012).

Consequences of Migration (inside the new country of stay):

However, even though the children leave their country to avoid the conflicts and inconveniences, the issue is found in the conditions they end up on. Since children are not as capable as adults to migrate on their own or are limited legally, they are most likely to be exposed to exploitative and abusive situations. These could be forced labour, detention, physical abuse or sexual abuse, which the majority of times occurs with illegal immigrants due to the impossibility of reporting such situations without exposing themselves, leading to deportation. Other times, they cannot even report the situations since law enforcers are the ones who perform the detentions on the kids (IOM, 2008).

When migrant children do not face the previously stated exploitative and abusive situations, lack of education or health sources, it does not mean that they do not have any barriers that impose the practice of their basic human rights. According to the United States National Center for Biotechnology Information (N.C.B.I.)(2016), the young immigrants are more likely to suffer bullying in schools than the young native-born, that there is a positive yet complex correlation between the race/ethnicity and the victims of such aggression in schools. Not all countries have that correlation (i.e. Canada and Norway), which is a positive aspect, other countries are unable to diminish the aggression towards the migrant kids in schools.

Major Countries and Organizations Involved

Committee on the Rights of the Child

As previously mentioned (page 2), the Committee on the Rights of the Child is a UN body composed by countries in a high moral position, they are a key organization when trying to solve the issue since they try to ensure the children's human rights no matter if they are or they are not migrants. In 1989, they created a treaty called the "Convention of the Rights of the Child", which has as main finality, *the child's best interests, participation, development, evolving capacities and nondiscrimination also apply to migrant children* (IOM, 2008). Throughout the different measures they enforced over and over, the CRC has significantly helped with the issue, making adults diminish the objectification of kids, therefore, making them right bearers, and making very clear the difference between being workers and being (IOM, 2008).

European Union

According to UNICEF (n.d.), around a third of the migrants and refugees in Europe are children. Due to the continent's location, the kids that immigrate to the EU come from countries like Syria, Afghanistan, Iraq, Somalia, and Sudan, who seek a better place to develop their education, their health and their rights. However, even though they enter Europe with said expectations, they end up in another complicated situation, if not a worse one. Some kids, are exploited in their jobs and some are kidnapped by smugglers and traffickers. Luckily, there has been several measures implemented by UNICEF in order to make the situation for the migrants and refugees better, by tackling the problem from the root, meaning trying to make the situation in their countries of origin safer, but also helping the kids that immigrated to the EU regarding health, education and protection.

United States of America

The US has always been one of the main targets of migrants who seek "The American Dream", especially their neighbour country Mexico. However, since Donald Trump assumed the presidency, migration has been a very frequent topic, due to the newly implemented rules and future aspiring ones. However, Donald Trump also stated that he planned on removing migrants from the working environment, disregarding the fact that they are legal or not. He also ordered that there should no longer be a separation of migrant kids of their respective families, which may be a good aspect. However, he demanded that if families are not separated, the detentions should also apply to children, a very serious violation of their rights. According to the Human Rights Watch (2018), the significant increase in children in detention places is not because more and more keep arriving, but because Donald Trump is making the exit of detention harder for the migrants, keeping unaccompanied detained kids inside for an average of 74 days (Human Rights Watch, 2018)(ABC, 2018)(UN, 2018).

Saudi Arabia

Unlike other nations, in Saudi Arabia, once you enter the country illegally, there is no form in getting permanent citizenship. Adults and kids are detained if discovered to be illegal, must be first detained and later deported. This is understandable since the Kingdom does not take part in the 1951 Convention Relating to the Status of Refugees, but not all migrant adults and kids are just deported, some while crossing are captured and abused by criminals, injured

or murdered by guards, and sometimes exchanged for a fee with traffickers by the same guards (IOM, 2015)(Library of Congress, 2017).

Russia

According to the Human Rights Watch (2017), in Russia, every kid has the right to an education independently from their nationality. However, over the last period, there has been a significant amount of expulsions around the area of Moscow, because of the simple fact that migrants have no way of proving they reside there. This is not only a violation of their right to an education, but also a violation to the National Law, because there is no such rule that states that expulsion can have the lack of proof as a solid reason, the only solid reason is lack of space.

Yemen

As previously mentioned, Saudi Arabia is very strict with the illegal enters to the Kingdom. However, the critical situation in their neighbour country Yemen, leaves no choice but to take the risk of crossing borders. The issue is found when the Yemenis rights are violated through forced labour, sexual abuse, among others that only worsen the situation they came from (IOM, 2015).

Myanmar

Myanmar is considered to be the main migration source of the GMS-region, around 4.25 million Myanmar-born live abroad, mainly because of natural disasters. Myanmar migrants suffer trafficking, smuggling and diverse forms of exploitations, which are being handled by the IOM and the Myanmar Government itself (IOM, 2017).

China

The People's Republic of China, is not only the country with the largest population, but also the country with the largest migration. Between 38 and 39 million children migrate to the city with their families, while around 70 million stay behind in the rural environments, but the problem is that even though some travel to the urban areas, they still lack access to basic rights like health, education and protection, and the ones left in the rural areas lack family protection. The Chinese Government came to the conclusion that education should be an obligation, and

some NGOs like UNICEF worked on facilitating the children’s access to education and health sources (The Borgen Project, 2018).

Syria

In 2011 a brutal civil war began, affecting the children more than anyone else, making them victims of the daily threats of violence, last year (2018), 1000 kids were reported dead or harmed only in January and February. Between two and three million kids are refugees or contributors of the migrant crisis occurring nowadays, making the country the biggest source of displaced individuals and refugees. Not only their right to life and safety is being violated, but also their right to an education as well since around 40% of those refugees lack one. UNICEF is currently contributing to help cover those rights (health, education, safety, water, etc.) (UNICEF, n.d.).

Timeline of Events

Date	Description of event
1965	The Hart-Celler Act took place in the United States of America, a new immigration policy was developed, whose main finality is reuniting immigrant families and captivating skilled labor to the country.
June 26th, 1973:	Minimum Age Convention
November 20th, 1989:	Convention of the Rights of the Child
December 18th, 1990:	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
June 17th, 1999:	Worst Forms of Child Labour Convention
November 15th, 2000:	Convention against Transnational Organized Crime: protocol with the finality of preventing,

diminishing and punishing trafficking of people, placing the main focus on women and children.

July 10th, 2001:

“African Charter on the Rights and Welfare of the Child,” ensures the rights of the child regardless of nationality, governments should financially support health care, nutrition and education.

December 2001:

“Children Act” (Kenya), protection of children from discrimination regardless of their origins, also including protection from economic exploitation.

September 1st, 2005:

HRC adopts “General Comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children Outside Their Country of Origin,” in order to ensure protection and care of the children.

February 15th, 2008:

“Civil Registration Act” (Thailand), right to birth registration to those born in Thailand when parents are migrants without legal status.

September 28th, 2012:

CRC holds “Day of General Discussion on the Rights of All Children in the Context of International Migration”, outlined recommendations that include children’s rights regarding identity, liberty, family, economy, social and health.

April 23rd, 2015:	European Council Meeting, consequence of the Mediterranean tragic event, prevent any other death at sea.
May 18th, 2015:	EUNAVFOR Med: decision to establish a EU military operation to avoid human trafficking in the Mediterranean.
June 15th-July 3rd, 2015:	29th Session of the Human Rights Council: Study on the situation of migrants (unaccompanied migrant children as a global issue).
July 2016:	Report by “House of Lords” on conditions of unaccompanied migrant children in the EU. Lack of protection, safe reception, legal advice and support, obstacles placed in their opportunity to reunite with their families, risk of administrative detention.
June 8th, 2017:	EU Council conclusions: migrant children have the right to be protected.
June 20th, 2017:	“International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration”: principles and rights enforced by the CRC, which places the main focus on protecting vulnerable migrants, mainly children.

Relevant UN Treaties and Events

Treaties

- Conventions on the Rights of the Child (November 1989)

- International Covenant on Economic, Social and Cultural Rights (December 1966)
- International Covenant on Civil and Political Rights (December 1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (December 1965)
- Convention against Discrimination in Education (December 1960)

UN Past Resolutions

- General Assembly Resolution 58/190, Protection of Migrants (2004)
- General Assembly Resolution 59/194, Protection of Migrants (2005)
- General Assembly Resolution 61/146, Rights of the Child (2007)
- General Assembly Resolution S27/2, A World Fit for Children (2002)

Previous Attempts to Solve the Issue

As seen on the previous section (Relevant UN Treaties and Events), there have been several attempts to solve the issue, one of the main and the most known is the treaty created by the Committee on the Rights of the Child, “Convention on the Rights of the Child, 1989.” The treaty attempted on tackling the issue from every perspective, those ones being discrimination, the child’s best interests, the child’s developments and their participation in society. The CRC had very positive outcomes, since children were placed as equal to adults, making the older generations objectify them less and respect their rights as kids and as humans (IOM, 2008).

One of the main organizations that take part in this sort of issues, is UNICEF, which worked to develop “The Global Compact for Safe, Orderly and Regular Migration.” It is an agreement with the main finality of making children a concern of migration flows, UNICEF took part in the application of the agreement and so did young migrants (UNICEF, n.d.).

UNICEF not only created the previously mentioned agreement, but also supplies refugee camp with different humanitarian supplies, give children and their mother access to spaces in order to develop different activities so as to make their refugee time a little more decent. This UN body has helped national and local governments make their policies, laws and services stronger in order to help tackle the issue as efficiently as possible (UNICEF, n.d.).

Possible Solutions

As well as reinforcing the already existing treaties, resolutions and other measures, it is essential to find other alternatives to tackle the issue as much as possible. The children are in very critical situations health-wise, so providing life-saving humanitarian supplies to refugee camps is a way of covering one of their basic rights. UNICEF already contributes to this, but in order to tackle it as fast as possible, it is important for other countries and organization to contribute with food, water, hygiene, vaccinations, etc.

Then in order to cover the discrimination against the kids, an efficient idea is for countries to develop laws, public places, policies, etc. that are also available for refugees and migrant children, in order to not only include them in society but also help cover specific needs. Those countries should assure that schools provide a safe environment for the migrant kids and enforcement of anti-bullying policies and campaigns.

Detention has been proven to not only physically but psychologically damage children, therefore interfering with the development of their future. It is essential to find other alternatives to detention, no matter how illegal the migration was, by no means should their rights be violated.

Finally, as mentioned several times before, kids are exposed to being exploited in work areas since they cannot report it due to the risk of being deported. Nevertheless, there should be frequent check-ups on labor places to ensure no exploitation and abuse, and if said abuse is proven to practice in the work environment, measures should be taken depending on the type of abuse.

Bibliography

- ABC. (2018, December 06). *81 children separated from families at US-Mexico border since June, government data shows*. Retrieved January 11, 2019, from <https://www.abc.net.au/news/2018-12-07/trump-government-separates-81-migrant-children-from-families/10592152>
- Britannica. (2016, January 14). *Juvenile justice*. Retrieved January 8, 2019, from <https://www.britannica.com/topic/juvenile-justice>

- Cambridge. (n.d.). *Asylum seeker*. Retrieved on January 13th, 2019 from <https://dictionary.cambridge.org/es/diccionario/ingles/asylum-seeker>
- Fuller, E. (2014, August 07). *Illegal Vs. Legal Immigration Is A Global Issue*. Retrieved January 10, 2019, from <https://www.forbes.com/sites/edfuller/2014/08/06/illegal-vs-legal-immigration-is-a-global-issue/#5fd835002320>
- Human Rights Watch. (2011). *Migrants*. Retrieved December, 2018, from <https://www.hrw.org/topic/migrants#>
- Human Rights Watch. (2018, October 22). *Immigrant Children Still Being Locked Up in the US*. Retrieved January 11, 2019, from <https://www.hrw.org/news/2018/10/22/immigrant-children-still-being-locked-us>
- Human Rights Watch. (2017). *Migrant Children Turned Away from Schools in Russia*. Retrieved on January 11th, 2019 from <https://www.hrw.org/news/2017/02/09/migrant-children-turned-away-schools-russia>
- International Detention Coalition. (2012). *Why Children Migrate*. Retrieved on January 11th, 2019 from <https://idcoalition.org/wp-content/uploads/2012/03/IDC-Captured-Childhood-Report-Chapter-2.pdf>
- IOM (2008). *Human Rights of Migrant Children*. Retrieved from https://www.unicef.org/socialpolicy/files/Int_Migration_Law_N_15_Human_Rights.pdf
- IOM (2015). *The Migrant Crisis. Protecting Migrant Workers against Exploitation in the Middle East and North Africa*. Retrieved on January 11th, 2019 from https://publications.iom.int/system/files/pdf/other_migrant_crisis.pdf
- IOM (2017). *Myanmar*. Retrieved on January 11th, 2018 from <https://www.iom.int/es/countries/myanmar>
- IOM. (2016, March 29). *Who is a migrant?* Retrieved January 13, 2019, from <https://www.iom.int/who-is-a-migrant>
- Library of Congress. (2017). *Laws Concerning Children of Undocumented Migrants: Saudi Arabia*. Retrieved on January 11th, 2019 from <https://www.loc.gov/law/help/undocumented-migrants/saudi-arabia.php>
- Migration Data Portal. (2018, October 22). *International migrant stocks*. Retrieved January 8, 2019, from

<https://migrationdataportal.org/themes/international-migrant-stocks#key-trends-2000-2017>

- NCBI. (2016). *Bullying Victimization among School-Aged Immigrant Youth in the United States*. Retrieved on January 11th from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764796/>
- OHCHR (2012). *Migration and Human Rights. IMPROVING HUMAN RIGHTS-BASED GOVERNANCE OF INTERNATIONAL MIGRATION*. Retrieved on December, 2018 from https://www.ohchr.org/Documents/Issues/Migration/MigrationHR_improvingHR_Report.pdf
- Stanford University Press. (2017, October). *Start reading Anchor Babies and the Challenge of Birthright Citizenship | Leo R. Chavez*. Retrieved January 9, 2019, from <https://www.sup.org/books/extra/?id=28631&i=Prologue.html>
- The Borgen Project. (2018). *Seven Important Facts About Migrant Children in China*. Retrieved on January 11th, 2019 from <https://borgenproject.org/facts-about-migrant-children-in-china/>
- UNICEF (2017). *Migration and Inequality: Making policies inclusive for every child*. Retrieved from <https://www.unicef-irc.org/publications/pdf/IRB%202017-14%20FINAL.pdf>
- UNICEF. (n.d.). *Children uprooted*. Retrieved January 6, 2019, from <https://www.unicef.org/children-uprooted>
- UNICEF. (2016). *Uprooted*. Retrieved January 7, 2019, from <https://www.unicef.org/eca/reports/uprooted>
- UNICEF. (n.d.). *Refugee and migrant children in Europe*. Retrieved from <https://www.unicef.org/eca/emergencies/refugee-and-migrant-children-europe>
- United Nations. (n.d.). *Definitions | Refugees and Migrants*. Retrieved January 8, 2019, from <https://refugeesmigrants.un.org/definitions>
- UNICEF. (n.d.). *Syrian Crisis. Child Refugee Crisis*. Retrieved on January 13th, 2019 from <https://www.unicefusa.org/mission/emergencies/child-refugees/syria-crisis>
- United Nations. (2018). *Children 'as young as one' involved in US separation of migrant families – UN rights office | UN News*. Retrieved January 11, 2019, from <https://news.un.org/en/story/2018/06/1011391>

- United Nations Refugee Agency. (2018). *What is a Refugee Camps? Definition and Statistics*. Retrieved on February 12th, 2019 from <https://www.unrefugees.org/refugee-facts/camps/>

Images:

- Figure 1: UNICEF. (2016). *Child Displacement*. Retrieved on January 2019, from <https://data.unicef.org/topic/child-migration-and-displacement/displacement/>

Appendix

- I. IOM (2008). *Human Rights of Migrant Children*. Retrieved from https://www.unicef.org/socialpolicy/files/Int_Migration_Law_N_15_Human_Rights.pdf
- II. IOM (2015). *The Migrant Crisis. Protecting Migrant Workers against Exploitation in the Middle East and North Africa*. Retrieved on January 11th, 2019 from https://publications.iom.int/system/files/pdf/other_migrant_crisis.pdf