

Forum:*Human Right Commission*

Issue: *Addressing the issue of unaccompanied migrant children and adolescents*  
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Position: *Chair of Human Right Commission*

1. **Introduction**

Unaccompanied migrant children are an increasing global phenomenon. The United Nations (UN) Committee on the Rights of the Child defines unaccompanied children or unaccompanied minors as “children, 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”.

Unaccompanied migrant children may have been separated from their families during their journeys, or they may have been delivered to smugglers by parents who dreamed of a better future for their children or believed that this was the only way for these children to survive.

Unaccompanied migrant children may also try to reunite with their families in the country of destination. 15% of all international migrants were under the age of 20 years during 2015. 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 were more than half of the total refugee population. Nearly one in three children and adolescents living outside their country of birth is a refugee; for adults, the proportion coming under the authorization of UNHCR is less than 1 in 20.

Unaccompanied migrant children and adolescents are a particularly vulnerable group because of their double status as minors, which requires special protection, and as migrants, which exposes them to all kinds of serious violations of their fundamental rights. Migration of children and adolescents is usually motivated 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 various kinds of threat, intimidation and insecurity. Left alone, unaccompanied migrant and refugee children are particularly exposed to psychological hardship and at risk of abuse, exploitation, being trafficked and even death.

1. **Definition of Key Terms**

**Migration:** Human migration is the movement of people from one place to another with the intentions of settling, permanently or temporarily at a new location. The movement is often over long distances and from one country to another, but internal migration is also possible; indeed, this is the dominant form globally.

**Migrants: A** person who moves from one place to another, especially in order to find work or better living conditions.

**Immigrants:** A person who comes to live permanently in a foreign country.

**Adolescents:** Transitional phase of growth and development between childhood and adulthood.

**Legislation:** Legislation is law which has been promulgated by a legislature or other governing body or the process of making it.

**Asylum seekers:** A person who has left their home country as a political refugee and is seeking asylum in another.

**Unaccompanied child**: A child without the presence of a legal guardian. The UN Committee on the Rights of the Child defines unaccompanied minors and unaccompanied children as those "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."

1. **General Overview – Background information**

**What is the migration of unaccompanied children and adolescents?**

As stated, human migration is the movement of people from one place to another with the intentions of settling, permanently or temporarily at a new location. But, some immigrants are children. Children also cross borders on their own; with no help or guidance. Children between the ages 3-18 move within and between countries. These travels can be both voluntary and involuntary. Economic, socio-political and environmental factors can influence children to migrate. Poverty has also been a key driver of child migration, particularly from rural to urban locations. However, it’s becoming clearer that the poorest cannot so easily migrate to another country. Children are also trafficked to provide labor or are forced to move because of political violence or environmental disasters.

In recent years, unaccompanied minors have been journeying to countless different countries to escape the violence, poverty and exploitation that they faced in their home countries. Yet, unaccompanied children attempting to cross such borders face treatment at the hands of government representatives which violates their inherent rights as children. The result is a human rights crisis that has severe health consequences for the children. Their rights as children are clearly described in various international human rights documents which are in great recognition by the U.S. government.

**Causes for the migration of unaccompanied children and adolescents?**

Children who migrate independently of their parents or adult guardians are in many ways similar to adult migrants in seeking new social and economic opportunities. These children, sometimes referred to as 'unaccompanied minors', may actively seek migration opportunities as a result of many factors. Independent migrant children are significantly affected by the absence of protection and support from their families, and by the challenges of their new situations after migration.

Over the past few decades, migration - both international and internal - has increased dramatically. Easier travel, greater access to information about distant places, relatives and friends who have migrated and the opportunities for improving living standards all have fuel movements of individuals and families.

Whilst international migration to industrialized countries is important, evidence indicates that around 40 per cent of migrants leave a developing country to go to another developing country. Migration also occurs within countries; and contributes to urbanization and both formal and informal sectors. Additionally, significant numbers migrate from one rural area to another, sometimes across borders.

Uncontrolled violence is a major factor that forces children to flee from their home countries. In 2012, Honduras was ranked the most violent country in the world, with a homicide rate of 90.4 per 100,000 people along with other countries such as El Salvador, Guatemala, and Mexico that had homicide rates of 41.2, 39.9, and 21.5 compared to the global average rate of 6.2 per 100,000. Such an extraordinary level of violence in the region stems from continuing political disorder, weakness of governmental institutions as well as domestic and sexual abuse, and the power of organized crime.

In 2014, the United Nations High Commissioner for Refugees interviewed 404 unaccompanied children from the Northern Triangle and Mexico, finding that 58% raised potential international protection needs. Almost half (48%) were fleeing violent attacks, kidnappings, and extortions from drug cartels and armed gangs. Additionally, 21% suffered abuse from caretakers in their homes; and 38% of Mexican children were escaping exploitation by the human smuggling industry. Overall, children also cited poverty and lack of meaningful economic or educational opportunity as reasons for leaving their home countries. In other cases, children's migration to the U.S. is linked to the need to reunify with their families who already reside in the U.S.

**Effects of unaccompanied children and adolescents?**

**Education**

When children migrate from one country to another they will face lower educational achievements. The factors that affect the education of migrated children are the socioeconomic background, family situation, problems of integration, language difficulties, school segregation, process of selection of migrants and level of parents’ education.

Parental care and family resources are important to increase the wish for higher education than the family income. Being from a different country creates problems of acceptance and being subject to racism between children. The lack of the possibility to communicate with teachers about questions effects the learning process and the lack of parent’s education or being from a different system that explains studies differently diminish the success.

The lower the education received by the unaccompanied child migrants the lower the chace they will accomplish a stable lifestyle and job. This explains the dense concentration of migrant employees in certain job sectors.

The most frequent jobs for young men are particularly involving heavy manual labor like construction or agriculture, and young women tend to work in the service sector.

In developed countries, efforts are being placed to achieved standards between migrants and natives. However, when governments try to increase the education for child immigrants the schools become separated and characterized due to the type of people (economical state). School separation does not show a positive impact on this. Migrant children are accepted into schools that have already a large population of migrants, which leads to their language skills not to develop much further or develop into their own particular mix of two languages together. Those students tend to stay together in their native groups and are so excluded from the social opportunities within the host country.

**Physical Health**

Migration can show a positive effect of increasing health access in the countries of origin through sending remittances. However, the negative side of child migration is the transmission of diseases to the host country. The habits of child migration will have to change when moving to a host country. In addition, the language barrier causes constraints and a greater risk of poor health outcomes of children. . This responsibility is given into the hands of very young children, and imposing pressure upon them.

**Mental health**

Children who are exposed to political or domestic violence in their home countries scored high on depression and symptoms of PTSD. Additionally, immigrant children reported elevated levels of aggression and hyperactivity. A study of war-affected refugee children, with a large proportion of children exposed to the multiple forms of trauma, including political violence, traumatic loss, forced displacement, and community violence; children also commonly experienced functional impairment, including academic and behavioral problems, and 30% had PTSD.

1. **Major Parties Involved and Their Views**

Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted by the U.N. General Assembly in November of 1989. From the Universal Declaration of Human Rights, it reaffirms that “childhood is entitled to special care and assistance,” that children need “special safeguards and care, including appropriate legal protection,” and that “there are children living in exceptionally difficult situations” who “need special consideration” [1]. Unaccompanied children are explicitly defined within this category. The United States is the only United Nations country that has signed but not ratified the CRC. Therefore, the U.S. may agree in principle with the tenets of the CRC, yet they are unwilling to be held legally accountable. The fact that they have signed the CRC does mean that the U.S. upholds the intent behind the CRC and should demonstrate the intention to do their best for unaccompanied children.

There are many specific articles within the CRC that address the human rights, health, dignity, and safety of unaccompanied children travelling across borders.

The council of Europe

Children’s rights

The council of Europe states that protecting the rights of migrant and refugee children is a key priority. The action that is going to take place is targeted in its Strategy for the Rights of the Child (2016-2021) and the Secretary General's proposal for priority actions (4 March 2016).

As stated in the Strategy: “Children on the move, or otherwise affected by migration, remain one of the most vulnerable groups in Europe today”. It focuses on the precarious situation of unaccompanied children. It also highlights that “Migrant children at large, even when accompanied by parents, often suffer persistent violations of their human rights”. The purpose of the Strategy is to illustrate a series of important gaps and problems which result in children falling through the loopholes of child protection, frameworks and children’s rights in being violated, all of which need to be addressed.

The Council of Europe’s Action Plan on protecting refugee and migrant children (2017-2019) was adopted by the 47 member States of the Organization at the 127th Session of the Committee of Ministers in Nicosia, Cyprus, on the 19 May 2017.

The main points of the Action Plan:

* Ensuring access to rights and child-friendly procedures.
* Providing effective protection.
* Enhancing the integration of children into host societies.

The Children’s Rights Division will carry out and support a number of the activities foreseen in the Action Plan, such as the development of new guidelines on age assessment and guardianship, a handbook on promoting child-friendly information, and training on child-friendly procedures.

In addition to the Parliamentary Assembly End Immigration Detention of Children Campaign, the targeted work of the Special Representative of the Secretary General on Migration and Refugees, and the Urgent monitoring round currently completed by the Lanzarote Committee on the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse, numerous other sectors of the Council of Europe have used their respective potential to contribute to the protection of the rights of the children affected by the crisis

1. **Timeline of Events**

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| **Date** | **Description of event** |
| 1939 – 1945 | World War II |
| 1940 | CORB evacuates British children to safety in the Dominions (semi-independent polities under the British Crown)  The Children's Overseas Reception Board is established in Britain to evacuate 2,664 unaccompanied children to Canada, Australia, New Zealand and South Africa. |
| 1945 | Australian Government announces plan to accept 50,000 war orphans The Australian Government plans to accept 50,000 war orphans during the first three years of peace. The Immigration (Guardianship of Children) Act of 1946 places legal guardianship of child migrants with the Minister for Immigration. |
| 1946 | Curtis Committee report heralds new direction in British childcare The report of the Care of Children Committee (Curtis Committee) heralds a new direction in British childcare, emphasizing physical and psychological needs and the importance of the family unit. With fewer children available for migration, youth migration becomes more popular. |
| 1947 | First post-war child migrants arrive in Australia  The first post-war child migrants arrive in Australia; more than half are sent to Western Australia. |
| 1947 | Big Brother Movement resumes youth migration The Big Brother Movement resumes youth migration to Australia, bringing some 400 youths per year during the 1950s. |
| 1992 | VOICES lobbies for compensation for former Christian Brothers residents Victims of Organized Cruelty, Exploitation and Survivors (VOICES) is established in Perth to lobby for compensation for former Christian Brothers residents. In 1993 the Christian Brothers publish a nationwide public apology regarding physical and sexual abuse in their Western Australian institutions and provide counselling and travel assistance for some former child migrants to visit family in the UK. |
| 1997 | The United Kingdom Health Committee announced an inquiry into the welfare of British former child migrants, after ten years of campaigning by the Child Migrant Trust. |
| 1998 | A UK Parliamentary Committee on Child Migration visited Australia to investigate this former aspect of British social policy. Its report, issued in August, was critical of child migration policy in general and of the treatment many former child migrants experienced in Australia, especially in certain Catholic homes in Western Australia and Queensland. The Western Australian Legislative Assembly passed a motion on 13 August apologizing to former child migrants for any abuses they suffered in the state's institutions during their childhood. |
| 2001 | Lost Innocents Senate Inquiry finds child migration schemes 'fundamentally flawed' In Australia the Senate Community Affairs References Committee tables the report Lost Innocents: Righting the Record, which concludes that child migration schemes were 'fundamentally flawed with tragic consequences'. The Committee's report makes 33 recommendations, including that Commonwealth and State Governments issue a statement acknowledging child migration schemes were wrong and expressing regret for the psychological, social and economic harm caused to children. |
| 2010 | Canadian Government designates 2010 Year of the British Home Child The Canadian Government designates 2010 as the Year of the British Home Child to recognize the 'strength and determination of this group of child immigrants, and reflect on the tremendous contributions made by former Home Children and their descendants to the building of Canada'. In October Canada Post issues a commemorative stamp to honor the legacy of former Home Children. |

1. UN Involvement, Relevant Resolutions, Treaties and Events:

* Unaccompanied migrant children and adolescents and human rights, 28 September 2017, **(A/HRC/RES/36/5),** This resolution attempts to protect, promote immigrate children within the state of the country the children and adolescence are arriving to.
* Rights of the child, 19 December 2016, **(A/RES/71/177),** This resolution aims to address the issue of child migration from the perception of the children or adolescence settling in. The issues at hand in this resolution are Registration, family relations, adoption and alternative care, Economic and social well-being of children, Child labor, Prevention and elimination of violence against children, Promoting and protecting the rights of children, including children in particularly difficult situations and Migrant children
* Unaccompanied migrant children and adolescents and human rights , 29 September 2016, **A/HRC/RES/33/7**
* Migrant children and adolescents, 18 December 2014, **A/RES/69/187**
* International migration and development, 19 December 2014, **A/RES/69/229**

1. Evaluation of Previous Attempts to Resolve the Issue

## **UNICEF calls for six actions to protect all refugee and migrant children**

## **Press for action on the causes that uproot children from their homes:** Protracted conflicts, persistent violence and extreme poverty and disadvantage drive millions of children from their homes. UNICEF calls for greater efforts to protect children from conflict and to address the root causes of violence and poverty.

### **Help uprooted children to stay in school and stay healthy:** Many refugee and migrant children miss out on an education – and many lack access to health care and other essential services. UNICEF calls for increased collective efforts by governments, communities and the private sector to provide uprooted children with access to an education and health services, and to shelter, nutrition, water and sanitation.

### **Keep families together and give children legal status:** Children who are travelling alone or who have been separated from their families are more easily preyed upon and more vulnerable to violence and abuse

### **End the detention of refugee and migrant children by creating practical alternatives:** Detention is harmful to children’s health and well-being, and can undermine their development. UNICEF calls for practical alternatives to detention for all children.

### **Combat discrimination:** Uprooted children are often victimized by discrimination, xenophobia and stigma – both during their journeys and at their final destinations. We all have a part to play in welcoming uprooted children into our cities and communities.

### **Protect uprooted children from exploitation and violence:** Refugee and migrant children are extremely vulnerable to violence and abuse, and to being preyed upon by smugglers and even enslaved by traffickers.

# **Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019)**

The Council of Europe has developed an Action Plan providing concrete action on protecting children fleeing war, violence and persecution. It proposes concrete support to member states at all stages of the migration process, with a special focus on unaccompanied children, and has three main pillars: ensuring access to rights and child-friendly procedures; providing effective protection; enhancing the integration of children who would remain in Europe.

* **What UNICEF has done**

UNICEF has worked with its partners to develop a Roadmap that provides guidelines to improve the care and protection of refugee and migrant children, whether they are travelling alone or with their parents or caregivers.

The Roadmap highlights the need to identify children, register them through child-friendly procedures, and build a relationship of trust with them as early as possible.

Ensuring that a well-trained guardian takes immediate responsibility for the child, engaging cultural mediators, and mobilizing members of host communities are critical measures that can help build a trusting relationship and protect children from smugglers, traffickers or the impact of severe pressures on a family.

At national level, they work with partners to meet children’s immediate needs, including safety, protection, health care, adequate nutrition and education.

UNICEF support the long-term integration of refugee and migrant children into the communities where they now live. In Greece, for example, UNICEF reinforces national efforts to protect more than 20,000 vulnerable refugee and migrant children.

1. Possible Solutions

**1. The protection and empowerment of migrant children at the core of a human rights based governance framework on migration.** This can be done by Providing clear mandate and adequate resources to competent child protection authorities, who should bear primary responsibility for migrant children as regards service provision and decision making whenever these children are in contact with migration authorities, starting from the time of first reception. In addition, this can also be done by empowering and taking into account the migrants voices. This includes migrant children, in migration policy development or decisions, as a critical condition for effective migration governance and an integral part of the “whole of society approach”, endorsed by UN Member States in the New York Declaration.

**2. Ending child immigration detention is a solution to decrease the impacts of child migration.** This can be done by reviewing the existing national legislation and policies as well as regional agreements and processes to prohibit child detention based upon the immigration status of children or their parents/guardians. Furthermore, developing, funding, implementing and monitoring national action plans for the elimination of child immigration detention involving government authorities, civil society, and other relevant actors, including children themselves can solve the issue of child migration. In addition,  developing and/or implementing child-sensitive alternatives to detention for migrant children and their families that respect the rights of the child (and are in their best interests) and allow children to remain with their family members and/or guardians in non-custodial, community based-contexts while their immigration status is being resolved. Moreover, ending child migration can be done by establishing an independent monitoring and evaluation system to assess and improve the quality of these alternatives to detention to ensure that the best interests of the child is always a primary consideration.

**3. Best interest of the child should be the primary consideration in all matters concerning migrant children, including in transit, at borders and when identifying sustainable and protective solutions for children .** These children can be protected by ensuring that all protocols, policies and procedures enacted at local, regional or national level concerning migrant children contain are founded on the best interests of the child principle and include best interests assessments and determination procedures where necessary. Nevertheless, ensuring that migrant children benefit from the most protective legal and policy framework available.

1. Guiding Questions
2. *What are unaccompanied migrant children and adolescents?*

*What are the causes of unaccompanied migrant children?*

1. *What are the effects of child migration?*
2. *How can the migration of unaccompanied children and adolescents be prevented?*
3. *How can unaccompanied immigrants re-settle in their new country’s?*
4. *What issues do unaccompanied migrant children and adolescents face in their arriving country?*
5. *What solutions can be addressed by the UN to prevent migration of unaccompanied children and adolescents*
6. *What countries accept a great population of unaccompanied migrant children and adolescents*
7. *Are there any non-governmental organizations that aim to aid and help unaccompanied migrant children and adolescents? Who are they and how have they had an impact on this issue?*
8. *How have countries responded to the arrival of unaccompanied migrant children and adolescents*
9. *What can be done to ensure that the unaccompanied migrant children and adolescents receive the same rights as the native citizens of the country?(this includes educational rights, employment, food, shelter)*
10. Appendices and useful links

* <https://data.unicef.org/topic/child-migration-and-displacement/migration/>
* <https://migrationdataportal.org/themes/child-and-young-migrants>
* <https://www.unicef-irc.org/research/children-and-migration-rights-and-resilience/>
* <https://www.opportunityagenda.org/explore/resources-publications/immigration-policy-solutions-supporting-child-migrants>
* <https://www.unicefusa.org/stories/how-unicef-supports-and-protects-child-migrants-every-step-way/34514>
* <https://www.unicef.org/eca/emergencies/refugee-and-migrant-children-europe>
* <https://cgrs.uchastings.edu/our-work/child-migration>
* <https://www.toppr.com/guides/evs/no-place-for-us/migration-and-its-effects/>
* <https://www.cgdev.org/blog/root-causes-child-migration-central-america-safety-vs-opportunity>

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Notes:

* Ariel size 11
* Paragraphs begin with indentation
* Section headings must be in **this color** and **bold** in Arial font size 14
* Sub headings size 12 and **this color**
* The research report should be between 3,500 and 5000 words
* 0.5 line spacing
* Save as .docx format
* Every picture included in the report must contain captions, describe the picture or diagram in a (Arial size 9, bold and italicized)
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