

**Forum:** Social, Cultural, and Humanitarian Committee (SOCHUM)

**Issue # 09-02:** Measures to protect the human rights of underage migrants

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## Introduction

All migrants risk their lives and safety when making the decision to travel to another country illegally. Along this journey they often experience hunger, dehydration and lack of hygiene. The main methods of arriving to a foreign country are through boats, trains and walking. While embarking on this journey the migrants are often at risk of being human trafficked or smuggled. Many human trafficking rings promise migrants to help them safely escape the country while in reality they are being smuggled and used for other purposes. Those purposes include but are not limited to; sexual trafficking, forced labour, exploitation and organ trade. The migrants who are seen as easier targets and often times taken by those organized crime groups are children.

Within Central America the crisis is mainly in Mexico. Within the past years over 57,000 unaccompanied minors from all over Central America but mostly Mexico, Honduras and El Salvador have tried to reach the U.S. border, mainly through the South of Texas. However the majority are being detained at the border and returned to their original countries of residence where they are once again subject to violence, poverty and death. Those migrants depend heavily on trains in order to get to their final destinations but being made aware of this the governments have shut down many trains, and fewer and fewer run causing many migrants to be stuck at the border. Many migrants that do manage to get on board of trains have fallen losing limbs and often times their lives as they get caught between the wheels of the train. This has caused the trains to be called "La Bestia" or "El Tren de la Muerte" which translate to The Beast and The Train of Death. In addition migrants that are left stranded in unknown areas of primarily Mexico are often victims of rape, robbery and death by local criminals.

In addition to making the trains less available to migrants the Mexican government has taken other steps in hardening the migrant's travel. They have added more security measures in the border shared with Guatemala and ensured that travelers have their documents checked aboard buses and other means of transportation, therefore increasing the rate of deportation. In 2018 alone Mexico deported 89,000 Central American migrants back to their native countries. Most of which were from Honduras, Guatemala and El Salvador, 9,000 of which were children. Each year those numbers are expected to increase by 30%.

The Refugee and Migrant Children in Europe overview of trends in 2018 established that from January 2018 to December of 2018 about 30,000 children arrived in Bulgaria, Spain and Greece leading to a 9% drop in arrivals since the previous year. While this seems to be an improvement 42% of those children were unaccompanied. 14,600 of those children were resettled in Europe mostly in France, Sweden and the United Kingdom. 70% of all children who sought international protection obtained it and were placed in solely 3 countries; Germany, France and Greece.

Within Greece 45% of all refugees and migrants arriving were children and 14% of which were unaccompanied. In Italy, 18% of all refugees and migrants were children and 17% of which were unaccompanied. In Bulgaria 37% of all refugees and migrants were children with 54% of those being unaccompanied. In Spain, 12% of all refugees and migrants were children with an impressive 81% being unaccompanied children. Nearly two thirds of all children who arrived in Europe were boys with a majority being 15 to 17 years old within those arriving in Italy, Greece and Bulgaria. In Greece 89% of all children arriving in 2018 were between the ages of 5 to 17 leaving only a small percentage between the ages of 1 to 4. Refugees and migrants in Italy had a 93% of all children between the ages of 5 to 17. Bulgaria had a 81% of all refugees and migrants be between the ages of 5 to 17 leaving the biggest percentage of 1 to 4 year old children within the European countries.

Over the recent years due to several economic and financial crisis' the amount of migrants across the world have risen significantly. Many flee their homes afraid of physical or economical harm and often persecution. In 2018 European countries alone recorded a total of 602,920 of new asylum-seekers, where a third of them were children.

Still the data collected from 2018 shows an 8% decreased from the asylum demands in 2017. An approximate of half of all child asylum seekers in 2018 were from the Syrian Arab Republic, followed by Afghanistan, Eritrea, Turkey, Venezuela, Nigeria and Iran. In previous years Germany was the top destination for migrants and refugees, having over 43% of all child migrants applying for asylum in 2018. Other countries with extremely large numbers of child asylum seekers include France, Greece, Spain, the United Kingdom and Italy. Since past years Greece has remained the country with the biggest number of first time asylum applicants when compared to the population.

Refugees and migrants risk everything by fleeing their countries and attempting long tiresome journeys often times across oceans and territories in order to obtain a better life. In the process they risk their lives, making us wonder how terrible the conditions must be for them to take such high stakes. Every year millions of families flee their homes in the hopes of escaping persecution, conflict and poverty within their country of residence. The countries with increasing and most prominent number of refugees within this type are from Syria, Iraq, Sudan, Somalia and Afghanistan. The United Nations International Children's Emergency Fund commonly known as UNICEF stated that oftentimes children, young people and their families feel like they have no choice, no future or no safety if they stay in their country of residence; something that often influences them to seek refuge in another country. Unaccompanied children that take those matters or decisions in their own hands are even more susceptible to exploitation at the hands of human traffickers and smugglers.

## Definition of Key Terms

### **Exploitation**

The action of using or treating someone unfairly for personal gain or benefit. (Ex: the exploitation of forests is condemned as it encourages deforestation.)

### **Border**

The boundary or line separating two countries or areas.

(Ex: Panama shares its borders with Colombia and Costa Rica.)

**Minor:** A person under the age of full legal responsibility. (ages 0 to 18)  
(Ex: A parent is responsible for their child until they are no longer a minor.)

**Human Trafficking:** The illegal transportation or trade of individuals for the purpose of forced labour, sexual exploitation or/and organ harvesting. (Ex: Human trafficking usually involves organ harvesting, sexual exploitation and forced labour.)

**Asylum:** The protection granted by a state to an individual who has fled their home country as a political refugee.

**Migrant:** A person who moves from one place to another, typically in order to obtain better work or living conditions. (Ex: Maria's parents are migrants as they moved from Romania to the United States in order to raise their children in better conditions.)

**Immigrant:** A person who comes to permanently live in a foreign country.  
(Ex: The immigrant populations tend to live in bigger cities.)

**Smuggled:** To illegally move individuals or objects in and out of a country. (Ex: Kidnapped children are usually smuggled from one country to the next to be exploited.)

**Detained:** an individual maintained in custody typically for questioning on a crime or situation involving the law or politics.  
(Ex: Individuals illegally arriving to countries are usually detained upon their arrival.)

## General Overview

### Increased Number of Unaccompanied Migrant Children

Unaccompanied Migrant Children, also referred to as UMC, are children or adolescents who cross country borders without a legal guardian or legal immigration documents. In 2014 a rapid increase in UMC numbers could be seen in the US border from countries such as Mexico, Guatemala, Honduras, and El Salvador. It is important to note that UMC often attempt to cross borders in the hopes of improving their living conditions

despite the serious consequences they could face, such as deportation to their country of origin within 24 hours. However, UMC with no known identity or country of origin are kept in facilities in order to determine their identities and receive basic social and medical care.

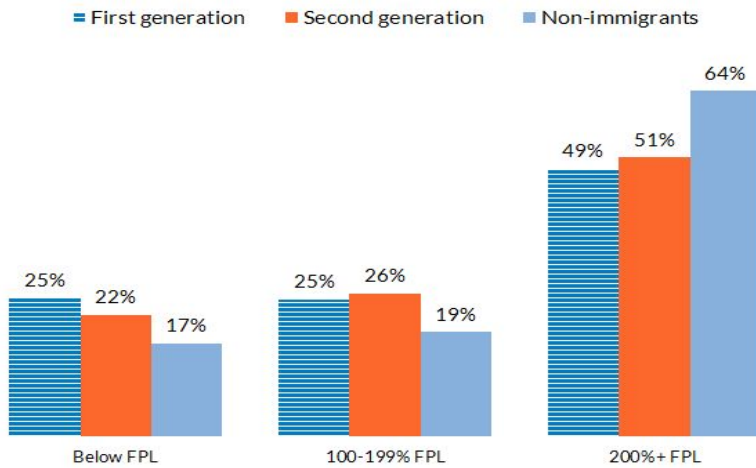
### **Possible Side Effects**

Another issue UMC's deal with is being separated from their parents or caregivers. Due to this many cases of neglect, abuse and gang violence arise. While in their countries UMC could have experienced traumatic events such as physical and emotional injuries, sexual assault, violence or threats. During migration, they could face even more issues including hunger, thirst, exhaustion, kidnapping and sexual violence. Even after passing the border and entering the country UMC are still subject to many of those issues such as limited resources, lack of education, robbery and assault. Many of those can lead to several issues such as cultural differences and discrimination within a community setting. Due to all those issues or traumas, UMC may suffer from the following long term effects: hypervigilance, disruption of attachment, nightmares, fear, and anxiety. It is important to note that while several countries do in fact which to grant asylum to those migrant children they often do not have the resources to do so, this includes the resources needed to deal with the possible long term effects of being separated from their parents or caregivers.

### **Government and NGO Aid**

It is important to note that while often times governments and organizations aim to aid UMC there are many factors that complicate providing effective treatment. They also live with the constant fear of being deported, and often lack insurance, transportation, and education. Many NGOs aim to improve the travel and settlement of migrant children by donating resources, housing the UMC and volunteering at borders. An example of this would be the European NGO Platform on Asylum and Migration, also known as EPAM. They establish a meeting-place within Europe for non-governmental organizations and networks that seeks to improve and develop to the development of asylum and migration policies within the European Union. This NGO has been present since 1994 and holds quarterly meetings.

## Percent of Immigrant\* and Non-Immigrant Children Under Age 18 Living Below the Federal Poverty Level: 2017



\* Immigrant children are those with at least one parent born outside of the United States. First-generation immigrant children were born outside of the United States and second-generation immigrant children were born inside of the United States or its territories.

Note: FPL stands for federal poverty level.

Source: Child Trends' original analysis of data from the Current Population Survey, March Supplement, 2017.

[childtrends.org](http://childtrends.org)

## Major Parties Involved and Their Views

### United States

The United States of America is often a key destination for many migrants coming from all over Central America. However the United States of America's current president has put in place several measures in order to limit the amount of migrants coming into the US illegally, including plans to build a wall between the United States and Mexico in order to prevent illegal immigration. Current President Donald Trump and his administration support the limitation of legal immigration and working visas that are to be administered by the government. He has also imposed a travel ban that prohibits all individuals (including children) of seven predominantly muslim countries from obtaining a visa, as well as a the Zero Tolerance Policy which calls for the arrest of all illegal migrants caught attempting or crossing the border. This has resulted in the separation of thousands of children from their families at the US-Mexico border.

## Syria

Syrians make up the fifth largest population globally to be deterritorialized. The Syrian conflict has created one of the worst humanitarian crises of this century. The Pew Research Center announced that an estimated 13 million Syrians have been forced to flee their homes due to the crisis their homeland has been experiencing since 2011. An estimated 1 million of those 13 million attempted to immigrate to Europe hoping to find new opportunities and comfort. According to the UN back in 2017 \$4.6 billion were required to meet the urgent needs of Syrian refugees however less than half were able to receive that help. Based on this statistics from the UNHCR; Syrians are considered the most dispersed population. 1 million Syrians are estimated to have emigrated to Lebanon, 660 thousand to Jordan and 250 thousand to Iraq. A large amount of Syrians seek refuge within Europe, travelling by boat, train, and foot. This proves to be a dangerous journey for any individual but even more so for children who are more vulnerable to the poor conditions many migrants are faced with during their travels. 2018 was declared the deadliest year for migrant children in Europe by UNICEF. Children's immune systems are often weaker and more susceptible to illness and for this reason

## Iraq

For decades Iraqi civilians have been subject to violence and conflict and as a result, millions have been forced to abandon their homes and flee. Since January of 2014, over 6.7 million people have required humanitarian assistance, 3.3 million of which were children. Since then armed violence has declined leading to over 4 million people returning to their homes. However this comes with its significant challenges. After decades the effects of prolonged armed conflict, violence and destruction continue to have an impact on children and their families. As of 2019 1.9 million people (900,000 of which are children) remain displaced according to UNICEF. Due to the fact that the opportunity to earn a living is limited, families often heavily rely on humanitarian aid such as hygienic products, food, and clean water. Due to the fact that a large majority of those children are displaced and lack access to basic supplies such as clean water and nutritious meals, it is clear that the majority of them also lack access to education.

## Mexico

Mexican president; Andres Manuel Obrador ran for office with the promise of respecting the rights of migrants, but since taking office, his administration has shown both the Trump administration and the Central American asylum-seekers that it will not allow undocumented migrants to pass through Mexico. Before Obrador was sworn in, Mexico deported more Central American migrants than the United States. From January 2015 to September 2018, Mexico deported 436,125 Guatemalans, Hondurans and Salvadorans. According to its immigration agency Mexico, deported over 37,000 migrants this year between the periods of January and April. However many Mexican citizens themselves try to enter other countries illegally; one of them being the United States.

## Greece

Since 2015 the European Migrant Crisis has gotten worse. Each year the number of individuals arriving to the European Union through the Mediterranean Sea or Southeast Europe increases. Several factors, such as drought, violence, and poverty, have accelerated migration to Europe mainly coming from the Middle East and Africa. . According to the United Nations High Commissioner for Refugees, the majority of the entrants in Europe are usually Muslim, Yazidis, Assyrians and Mandeans, and Greece is often the first destination reached by migrants who make the journey by boat. While the country has been open to help refugees, as the years have gone by and the number of refugees increased, they are starting to lack the necessary resources to accommodate them. In Moria, the Greek refugee camp, new arrivals are crammed into inadequate sports tents and forced to share toilets. In 2018, the mayor of Lesbos, Spyros Galinos warned that *“the facility was starting to look like a concentration camp where all human dignity is denied.”*



## Timeline of Events

| Date | Description of event                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1948 | The Universal Declaration of Human Rights was created in order to establish basic rights and fundamental freedom for all human beings.                                                                                                                                                                                                                                                                                                                                                                  |
| 1951 | The Refugee Convention Relating to the Status of Refugees is created in order to protect the rights of people forced to flee their home country due to fear of persecution.                                                                                                                                                                                                                                                                                                                             |
| 1966 | The International Covenant on Economic, Social and Cultural Rights also known as the ICESCR is established in order to protect the rights of adequate living standards, work, education, healthcare and social security. These rights further elaborates on the ones provided by the Universal Declaration of Human Rights as it creates binding obligations for state parties.                                                                                                                         |
| 1966 | The Civil and Political Rights Covenant (ICCPR) is established, it includes the right to vote, the right to a fair trial, the right to freedom of association, the right to freedom of religion and the right to privacy. Within the ICCPR the First Optional Protocol allows for individuals to make complaints about violations of their rights. The Second Optional Protocol is concerned with abolishing the death penalty.                                                                         |
| 1984 | The Convention against Torture is established also known as the Convention against Torture and Other cruel, Inhuman or other Degrading Treatemtn of Punishment (CAT). this convention aims to prevent torture at a worldwide level. It prohibits states from sending inviduals to other countries where they would be in danger of being subjected to torture and other inhumane treatments. Additionally the Optional Protocol allows for regular inspection to take place within places of detention. |

1989

The Children's Convention was established, also known as the Convention on the Rights of the Child (CRC). It states that children are entitled to the exact same human rights as any other individual. It also creates additional rights for children therefore recognizing their particular vulnerability. The children's rights include the right to express their views freely and that decisions involving or affecting a child must consider the best interests of that particular child. Two Optional Protocols under this convention would be on child prostitution and pornography as well as their involvement in armed conflicts.

1990

The Convention on Migrant Workers is established. Also known as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which aims to ensure that migrant workers have full protection of their human rights regardless of their legal status.

July 2018

The UN's Global Compact for Safe, Orderly and Regular Migration treaty was agreed on by 192 countries and later ratified in December. This treaty aims to provide a more cooperative framework for migrants. This treaty however is non-legally binding meaning that countries who have ratified it are not obliged to implement all the measures and will not face sanctions if they fail to implement them. This treaty makes it clear that countries retain their right to sovereignty meaning that countries are responsible for determining their own national migration policies in accordance with international law. However, several nations have refused to agree or ratify this treaty including Hungary, Austria and the United States of America.

## UN involvement, Relevant Resolutions, Treaties and Events

The United Nations has been tackling the issue of unaccompanied migrant children for the past few years as the issue grows bigger and bigger. While the intergovernmental organization can only suggest treaties and solutions, they have been very involved within the issue and often call out countries that do not provide humane treatment or do not give UMC their human rights. The UN fully believes that despite having trespassed and/or illegally entered a country, the children are to have full access to their human rights, including food, water and an education.

- On October 3rd, 2013 the treaty on the Declaration of the High-level Dialogue on International Migration and Development was passed. It recognizes the challenges faced by migrants and their families and the contribution that they bring to countries, such as their cultures and diversity, while reinforcing the need for resources and networks to facilitate the travel and settlement for those families.
- On August 17th 2015 the Addis Ababa Action Agenda of the Third International Conference on Financing for Development was adopted by the UN, where they called for a global framework to be established post-2015 with the focus on financial development taking into account the new wave of migrants worldwide.
- On June 30th of 2016, the High-level plenary meeting of the General Assembly addressed the large movements of refugees and migrants, and called for action from nations with high occupancy rates, as well as requested the help of non-governmental organizations in solving this issue.
- On October 3rd, 2016 the New York Declaration for Refugees and Migrants was proposed and later adopted by the General Assembly. The main purpose of this declaration was to reconsider how the international community should respond to the growing phenomenon of large movements of migrants and refugees.

- On January 22nd of 2018, the Modalities for Intergovernmental Conference to Adopt the global Compact for Safe, Orderly and Regular Migration took place. This resolution further elaborates on the New York Declaration for Refugees and Migrants.

## Evaluation of Previous Attempts to Resolve the Issue

As seen through recent years UN involvement and treaties have been essential in the tackling of the issue, however no amount of solutions seem to be permanent or long-term. Since the UN cannot force nations to implement their suggestions, it is often hard to find concrete solutions to those problems, especially if the countries refuse to cooperate.

As of June 2015 the Human Rights Council adopted resolution 29/12 on unaccompanied migrant children and adolescents and human rights. It aims to develop a research-based study on unaccompanied migrant children and adolescents' human rights to identify the areas, reasons, and cases where the issue occurs the most and how specifically their human rights are being threatened or violated.

One of the previous methods that attempts to resolve this issue is deportation. In 2015 a predicted six out of ten migrants were economic migrants, meaning they did not qualify for refugee status and hence eligible for deportation. Migrants also risk deportation if they do not classify as asylum-seekers. In order to be considered for asylum one must have the fear of persecution in their home country due to: nationality, political opinion, religion, being a part of a particular social group or race, etc. If a migrant does not qualify for refugee status or for asylum they can be legally deported.

## Possible Solutions

Several countries are currently at war or poor economical situations leading to migrant crisis. Due to the fact that those countries are in crisis' for different reasons and have different laws it is often hard for them to come together and find ways to tackle the issue. Because every country has different migration policies and resources it is often hard to come to an agreement on how this issue should be tackled. One of the possible solutions would be to encourage countries to meet annually within their respective continents in order to talk about the crisis as well as establish guidelines and measures that need to be taken in order to stop this crisis.

Another important possible solution would be surprise investigations and evaluations of the conditions of the facilities where migrants are being detained. This would be put in place to ensure that all migrants' rights are being respected. Also, prohibiting the separation of underage migrants from their legal guardian or parents as they are most vulnerable in this new environment. Lastly, allocating government resources and working with NGOs in order to provide the necessary education, psychological support, hygiene products and environments for refugees and candidates of asylums.

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## Appendix

- I. Full Declaration of Human Rights  
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- II. New York Declaration for Refugees and Migrants  
<https://refugeesmigrants.un.org/declaration>
- III. Measures to tackle the causes of Immigration in America  
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- IV. UNHRC Overview on the Europe Refugee Crisis  
<https://www.unhcr.org/europe-emergency.html>
- V. United Nations position on Detention Facilities within the United States  
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