

Topic Area: The Rights of Migrant Children



# From the Secretary General

Dear Delegates,

On behalf of the Secretariat, it is my honor to welcome you all to the 8th edition of PeruMUN, the largest and oldest high school MUN conference in our country.

In PeruMUN we believe in creating the citizens our country needs. Citizens who don't only ask for change, but lead the way to change through innovation, creativity and diplomacy. We are committed to make this PeruMUN truly memorable. Expect high quality academic content, a competitive climate and distinguished experts from international organisations, who will provide insights on the topics addressed in each committee. At PeruMUN, delegates will have the opportunity to share ideas, contribute solutions and promote change, all of this in a supportive learning environment provided by our wonderful team of Directors, Assistant Directors and Moderators.

Our mission as Secretariat is to provide an international level experience and give you the tools to achieve academic and personal growth. We strive to do our best to close the ever expanding education gap through an equal opportunity environment, where delegates from different backgrounds can share their own experiences and enrich each other with their own cultural heritage.

As Secretary General, I hope PeruMUN will raise awareness on the different subjects that plague our country today, such as: corruption, gender inequality, domestic abuse and xenophobia. Furthermore, I hope that this newfound awareness can translate into change through concrete actions. As Malala Yousafzai and Greta Thunberg have taught us, it is never too early to advocate for better policies and demand a response from our political representatives.

If I can assist you with further questions or comments, do not hesitate to contact me.

We are excited to meet you and see you soon!

Sincerely,

Alessandra Pinto Secretary-General

Peru Model United Nations 2019



# United Nation's Children's Fund

Topic Area: The Rights of Migrant Children

Dear Delegates,

Welcome to PeruMUN 2019, my name is Nicole Montañez and I am thrilled to serve as your director in the UNICEF Committee! I am currently coursing the 4th year of economics undergraduate degree at Universidad del Pacifico, As for my MUN experience, this one began in 2017 when I joined Peruvian Universities, since then I have taken part in national and international conferences. For instance, I have participated in Harvard World Model United Nations 2018 in Panama (where i won a Diplomacy Award). As for my free time I enjoy reading, watching Netflix series and going out.

To me this topic is really relevant giving the current situation in the world and I'm sure you will enjoy debating a topic such as this. I have written this study guide as a handbook that will aid you in the search for more information, an inspiration for further research on the topic. Never be afraid to speak up, negotiate, or try innovative approaches, as these are some of the best qualities a delegate can have.

To sum up, I am a strong believer in the educational mission of MUN, and along with the dias, will work towards creating a substantively booming and challenging experience for all you. I expect you use PeruMUN as a platform for making new friends and learning new topics; I am confident you will have a great time inside and outside committee. Please if you have any concern or doubt regarding the topic feel free to contact me. I can't wait to meet each one of you!

Best Regards,

Nicolle Montañez

Nennele Rivadeneira Director, UNICEF Peru Model United Nations 2019

## INTRODUCTION

"Migration" is the movement of people from one place to another, either within the same country or to another country for the purpose of settling in at that destination [1]. Economic, socio-political and environmental factors can influence children and their parents' decision to migrate. Migration may be done voluntarily in order to have access to better education opportunities and health care services. On the other hand, people are often forced to migrate due to other circumstances. This means that children cross borders - either within and between countries – in varying circumstances and for different reasons, both voluntary and involuntary. As for today, the number of forced migrations is increasing as the number of wars, conflicts and natural disasters rises. For this reason the need to facilitate safe migration has been recognized at the international level and incorporated into the 2030 Agenda for Sustainable Development and its corresponding Sustainable Development Goals (SDGs).

As stated, violence, poverty and inequality expel millions of children and adolescents from their homes and induce them to migrate. UNICEF reiterates the need to intensify efforts to address the root causes of violence and poverty, especially through access to education, the strengthening of health systems, social protection, and comprehensive protection of children. UNICEF also advocates for the guarantee of the rights of migrant and refugee children to remain with their parents or caregivers, avoiding family separation; for the use of alternatives to their detention, in no case justified only for immigration reasons; for their access to health services, education, birth registration and social protection, without discrimination of any kind; for its protection against all forms of abuse, violence and exploitation, including human trafficking; and for a determined and effective fight of xenophobia and discrimination against migrant children adolescents. Likewise, UNICEF recalls the dangers and risks that irregular migration entails for children and the need to increase legal and safe channels for children who migrate and those who seek international protection.

## HISTORY OF THE COMMITTEE

The United Nations General Assembly (UN-GA) agreed to the formation of United Nations International Children's Emergency Fund (UNICEF) in 1946 through resolution 57. UNICEF works in over 190 countries and territories to save children's lives, to defend their rights, and to help them fulfil their potential, from early childhood through adolescence. Also, works with

partners around the world to promote policies and expand access to services that protect all children.

UNICEF's commitment to protecting children is underlined in UNICEF's Child Protection Strategy (CPS), approved in 2008 and contains two main pillars that are applicable in all contexts, including emergencies: 1) strengthening child protection systems - including laws, policies, regulations and services across all social sectors but especially social welfare, education, health, security and justice; and 2) supporting social change that contributes to improved protection of children from violence, exploitation and abuse. We draw on our Core Corporate Commitments, the Convention on the Rights of the Child, the Millennium Declaration and numerous international human rights agreements as the basis for our response. UNICEF advocates and supports the creation of a protective environment for children in with partnership governments, national international partners including the private sector, and civil society. National child protection systems, protective social practices and children's own empowerment coupled with good oversight and monitoring are among the elements of a protective environment and enable countries, communities and families to prevent and respond to violence, exploitation and abuse.

# HISTORY OF THE TOPIC

Ensuring that all migrants, independently of their migration status, are free to enjoy their economic, social and cultural rights (ESCR) is a fundamental challenge for the universality of human rights proclaimed in 1948 [2]. The majority of children who move internationally, whether accompanied by their families or as unaccompanied minors are seeking greater enjoyment of their rights. In this context, it is important to remember that the deprivation of ESCR in countries of origin is in fact one of the root cause of migration. The forced migration of children is an increasingly global issue. Problems with this issue can be solved through cooperation of all the world's governments. It's necessary to keep in mind that when thinking about solution the basic needs of immigrant children, such as security, education, play, healthy food must be met and children should be provided the opportunity to live with their families even if the are migrants.

Around the world, 31 million children are living outside their country of birth, including 11 million child refugees and asylum-seekers; another 17 million children have been displaced within their own countries by violence

and conflict. [3]. Children often find themselves in an irregular situation because their status is linked to the status of their parents, and children born to migrant parents in their countries of destination often inherit their irregular status. Therefore migration decisions affect the entire course of a child's life, which might be more positive e depending on the child's access to education, labour market and health care and her or his overall well-being [4]. However, since the laws, services, and policies to protect children are usually insufficient, children are deprived of proper care and protection during their journey of migration.

When it comes to unaccompanied children, social services are key for guaranteeing their protection and development ensuring access to care, education and health, as well as programmes fostering their long-term social inclusion to ensure their well-being. In each socio-cultural political context, is important to understand the reasons and motivations for girls and boys to move, in order to inform relevant and effective programming to prevent unsafe migration, to protect children on the move, and to ensure durable solutions. It's important to remember that wherever they are and regardless of their migration status, children have a right to be protected, to keep learning and to receive the care and services they need to reach their full potential. Every child has the same rights, and they retain those rights no matter where they are and no matter the status they are in.

It is also important to recognise that migration can lead to positive outcomes for girls, boys, and families in general. Children and families migrate to fulfil their aspirations for a better life or to escape violence or insecurity -as previously mention-. Some girls and boys on the move exercise more rights in their new locations through increased access to education, livelihood and other services [5]. For example girls may enjoy greater equality with boys in different social contexts and feel more empowered as a result giving them a better quality of life, and some families who migrate are able to improve their economic and social status and are better able to support their children in all of their needs. Evidence from multiple contexts clearly demonstrates that child refugees, migrants and the generations that follow them live better lives, if they are provided with proper means and opportunities to succeed, and are more able to contribute to society when they have opportunities to learn and advance wherever they are [6]. Migrant children also play an invaluable role in linking their older family members to new societies and accelerating their engagement and inclusion.

hen children have opportunities to thrive, both the

countries they leave behind as well as the countries they settle in can benefit from their skills, creativity and diverse perspectives. In an increasingly mobile and integrated world, policymakers, businesses and their partners in the global community cannot afford to ignore either the needs of these children or the opportunities they present. As migration and displacement intensify across the world. responsibilities and the opportunities of migration will continue to grow. For the 31 million children already outside their homelands, there is no time to waste. They rely on immediate global action to protect their rights, meet their needs and open pathways to brighter futures [7]. Millions more children will follow in their footsteps in the decades to come so it's also important to establish long term solution as well.

#### **Key terms in migration and displacement**

Migrant child: Broadest concept. It includes all young people under the age of 18 who have migrated (i.e. moved to and settled in a different country) for a period of one year or more or who have migrated on a permanent basis. Migrant children might arrive at their destination countries as economic migrants, refugees, or asylum seekers. [8]

Refugees: Displaced child who has been forced to cross national borders and who cannot return safely to his or her home country. [9]

Asylum- Seekers: Displaced child who has formally sought protection from the state they fled to as well as the right to remain in that country. [10]

## **Ensuring proper access to education**

Educational opportunity is a major driving factor for many children and families who choose to migrate, but refugee and migrant children frequently face multiple barriers to beginning and continuing their education, this often occur due to restrictive migration policies. Worldwide, only half of child refugees are enrolled in primary school and less than one-quarter are enrolled in secondary school [11]. Overall, a refugee child is five times more likely to be out of school than a nonrefugee child [12]. As children move between locations, they may not have the legal right to attend school - especially if they have irregular status- or may be prevented from learning because of language or social barriers. Despite the different categories assigned to migrant children, they have a right to education which has been ratified in several international protocols such as for example Article 26 of the Universal Declaration of Human Rights and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights. Migrant children

often struggle to get access to good quality education and learning opportunities in their host countries due to a variety of barriers that are both individual and systemic; as a result, their learning is interrupted [13].

Across European countries, statistics show that, on average, migrant children have a significantly lower level of academic achievement than children with two native-born parents. According to Janta and Harte, this disadvantaged position of migrant children vis-à-vis children with both native parents can be caused by:

- having access to fewer socio-economic resources, including the lower academic achievement of their parents:
- even after accounting for this lack of resources, migrant children suffer from a negative penalty associated with migratory status. [14]

Some challenges faced by migrant children result from the characteristics of migrant groups such as low socio-economic status, lack of knowledge of a the local language, psychological barriers, potential low expectations from parents and teachers, as well insufficient family and community support.

For example, in the 2017 Communication on the Protection of Children in Migration, the European Commission recognised the importance of education as a factor in providing an adequate reception for children and encouraging Member States to 'ensure, within a short time span after arrival, equal access to inclusive, formal education, including early childhood education and care, and develop and implement targeted programmes to support [15]

The importance of migrant children's access to education, including that of unaccompanied minors, has been recognised and safeguarded by a variety of legal and policy frameworks at international, national and local levels. Despite several legal and policy provisions, access to both formal and non-formal education remains a challenge for unaccompanied minors. The most common challenges to accessing education across all age groups include usually includes: long waiting periods, language barriers, residing in remote locations, lack of information on educational opportunities, bureaucracy, limited financial support for asylum applicants, and racism. As reported by the EU's Agency for Fundamental Rights (FRA), education, particularly inclusive education, which involves development of children's intercultural skills, parents' engagement in educational activities and attention to social and

religious diversity, is also an important prerequisite for integration [16]. FRA reports that access to education helps improve language skills and social cohesion among young people, prevents child poverty, and fosters participation in the host society.

The OECD's analysis of the PISA data shows that a high concentration of migrant children in a school or class is not necessarily a factor that could hinder other students' performance. It is more likely that a high concentration of children from families with lower socioeconomic status and educational attainment impacts negatively on educational performance [17]

### Preserving the health of migrant children

Health status is a vital aspect of human capital and for the development of the well being of all children. Poor childhood health contributes to lower socioeconomic status in adulthood; unhealthy workers are less productive which result in a more costs for the employers therefore in lower salaries for the worker in their lifetime. Low socioeconomic status among parents contributes is going to contribute to poor childhood health outcomes in the next generation. This cycle can be particularly seen in low-income minority populations, this include many children of immigrants. For the children of immigrants, poverty, the stresses of migration, and the challenges of acculturation can substantially increase their risk for developing physical and mental health problems, for this reason the lack of proper health care for children migrants does not only affect the in a short period of time but also throw all their lives.

The health of migrant children is related to both their state of health before their journey and the risks they face at all phases of their journey and settlement in the country of destination; it is also linked to the health of their caregivers [18]. Consequently, risks for a child will vary according to the child's particular experiences in the home country, during travel and after arrival at the destination country. It's important to keep in mind that pre-migration conditions also affect the health status of children on arrival, the most common health issues on arrival include respiratory diseases, diarrhea, skin infections, malnutrition, and communicable diseases due to inadequate shelter and sanitation conditions during their journeys [19] . Those most at risk for vaccine preventable diseases are young children who have not yet been vaccinated because of the lack of vaccination programmes in their home countries.

Access to health care substantially influences the physical and emotional health status of immigrant

children. Less likely to have health insurance and regular access to medical care services than nonimmigrants, immigrant parents delay or forgo needed care for their children, when these children finally receive care, it is often in the emergency room after an urgent condition has developed [20]. By promoting the physical well-being and emotional health of immigrant children, health professionals and policy makers can ultimately improve the long-term economic prospects of the next generation. To that end, Perreira and Ornelas recommend that health researchers and reformers learn more about the unique experiences of immigrant children such as their language issues, family separations, and illegal status; increase access to medical care and the capacity of providers to work with multilingual and multicultural populations; and continue to improve the availability and affordability of health insurance for all [21].

A public health strategy to promote well-being and mental health in migrant children should have a holistic framework, targeting risk factors for the individual their family and the community using a mixture of policybased and more specific interventions

#### Protection of children on the move

Children on the move face increased risks of violence, abuse, and various forms of exploitation both during their journey and once they reach their destination. Whether they are on the move alone or with family, risks are also increase when migrating through irregular channels and when children do not have identity papers or other related documentation such as a residence permit. While some children and families migrate with a clear destination in mind, their journey may become changed as they face legal, cultural, and/or economic barriers to reach their intended destination [22]. Children, who have to continue their journey alone and not having enough money or the necessary communication skills, are vulnerable to all kinds of abuse, violence, harassment, and exploitation.

At particularly high risk are children who become from family, children separated travelling unaccompanied and children who are left behind. One of the most widely discussed forms of violence against children is "trafficking". According to the most recent available data, as of 2012, one in three detected victims of trafficking is a child [23]. Traffickers exploit young age and the challenges that young migrants face such as unfamiliarity with new surroundings, separation from family and friends, language barriers and social isolation. In a survey of migrants in Bulgaria, Greece, Hungary, Italy, Romania and countries of the

former Yugoslavia by the International Organization for Migration in 2017, 88% of children surveyed reported having experienced exploitation in labour, being locked up and/or being approached with an offer of arranged marriage [24].

Another issue regarding the protection of the week being of children on the move is smuggling. Smuggling is an even more pervasive issue for children travelling both with and without their families. Distinct from trafficking, smuggling begins as a commercial transaction between a smuggler and migrant, in which a smuggler agrees to arrange illegal passage for a migrant into another country in exchange for financial or material benefits from the migrants [25]. While that relationship may change over the course of a journey. sometimes resulting in violence or turning into trafficking, it is different in nature than trafficking, which always implies the threat of force or coercion. Children travelling on their own are particularly vulnerable to the most dangerous aspects of smuggling - including dangerous routes of passage, abandonment by smugglers, and inhumane treatment - making it an issue of ongoing concern for the well-being of child refugees and migrants.

# Protection in the recipient country for migrant children

Today, 1 in every 70 children worldwide lives outside the country of his or her birth [26]. If the destination country follows accepting and inclusive policies toward migrant children, this facilitates their process of adaptation to their new setting. Moreover, children are still at a risk of involvement to crime, neglect, exploitation, sexual abuse, and violence in their destination countries just as they did during their migratory journey. Children, separated from the cultural values of their own societies, may become assimilated during the process of adaptation. On the other hand, migrant children deal with problems meeting their basic needs such as food, shelter and cleanliness, having favourable conditions for their mental and physical development, as well as obtaining an education.

Once children reach their destinations, they may encounter a different array of obstacles, including migration detention, extended family reunification processes (when they are available at all), discriminatory treatment while in state care, limited social services, education and career opportunities and uncertain legal status. Compounding these challenges, older children who choose to migrate may be pressured to begin sending remittances home as quickly as possible, even as many must repay substantial debts related to their journeys.

Although there are some differences among countries, the level of success of migrant children is generally lower than others (such as adult migrants). These children have serious issues adapting to their current educational institutions, and have a tendency to stay away from their peers and not complete their schooling [27]. These children's lack of communication with both their teachers and friends due to their unfamiliarity with the language of their destination country has been accepted as the main reason for these problems [28]. It is also emphasised that the socioeconomic disadvantage has a negative effect at this point [32]

When countries around the world approved the Convention on the Rights of the Child, all the participatory countries committed to respect and protect the rights of each and every child within their jurisdiction. This means that no matter what their legal status is, all children who seek asylum, or those who are just passing through the country are to have the same rights as other children living within the borders of that country. Despite this commitment, countries have not been able to fully meet their responsibilities of managing mass migratory movements and the protection of children due to lack of resources, capacity, as well as political will.

# **CURRENT SITUATION**

# Advocacy to end immigration detention for children

"Globally, and in different regional and country programmes, Save the Children is advocating for an end to the detention of children for immigration purposes. In the Asia region, we have undertaken research with children and families on the move which has informed advocacy with government authorities to end detention. Strategic approaches to end immigration detention of children have included a focus on:

- Reviewing or developing new national legislation and policies prohibiting the practice of detention of child immigrants.
- Advocacy for the right to work for parents, caregivers and young people of legal working age from migrant, asylum seeking or refugee families
- Strengthening of child protection case management to ensure individual plans are guided by the best interests of the child
- Increasing access to community housing and/ or open shelters or reception centres and other programmes or mechanisms which effectively divert individuals away from detention or secure their release from detention

 Working with government agencies to strengthen family- and community-based alternative care options including: guardianship, kinship care, foster care, group homes and supervised independent living." [29]

# Multi-sectoral programmes to address drivers of migration, Ethiopia

"Working in collaboration with the local government and local organisations in Ethiopia, Save the Children has designed multi-sectoral programmes that address the main drivers of migration and protect migrant children, targeting sending, transit and destination communities of rural-to-urban migrant children. The programme addresses protection issues including domestic and gender-based violence, such as denying girls' education, child neglect, physical and humiliating punishment at home, and lack of access to quality education. It encompasses:

- Case management to ensure family tracing and reunification or alternative family-based care arrangements for unaccompanied migrant children
- Linking vulnerable households to social protection schemes, livelihood opportunities and micro-credit; organising positive parenting sessions
- Working with schools and education authorities to strengthen access to quality primary education, organise positive discipline training for teachers and parents, and conduct structured resilience-building sessions with children and young people." [30]

## **CURRENT SITUATION**

#### **Europe**

More than twice as many children applied for asylum within the European Union and free movement zone in 2015 compared to 2014; in the first half of 2016, nearly 70 per cent of children seeking asylum in the European Union and free movement zone were fleeing conflict in the Syrian Arab Republic, Afghanistan and Iraq [31]. All countries in the WHO European Region have signed and ratified the United Nation's Convention on the Rights on the Child (CRC) and have agreed to the obligations contained in this. This technical guidance identifies a number of areas where the health situation for migrant children would be improved if countries adhered more closely to these obligations.

#### Asia

As a result of its large overall population, Asia is home to the largest total number of child migrants in the world. However, a relatively low proportion of its children migrate: just 1 in 110 of Asia's children live outside their country of birth [32]. Other Asian countries hosting large numbers of child migrants – which

include Jordan, Lebanon, Pakistan and Turkey - all host large numbers of child refugees. This reflects the continuing toll of conflict rather than a trend of voluntary child movement.

#### **America**

Four out of five child migrants in the Americas live in just three countries: the United States, Mexico and Canada. One in 10 migrants in the Americas is a child, but that average masks two distinct realities: children make up a relatively small proportion of migrants living in Northern America, South America and the Caribbean (8, 15 and 15 per cent, respectively); and children comprise 43 per cent of all migrants living in Central America [33]. There is a high and increasing number of vulnerable children moving on their own within the Americas – often fleeing violence in their homes and communities.

#### **Africa**

Some 86 per cent of African refugees find asylum in other African countries. Africa has one of the world's lowest rates of child migration, with just 1 in 90 African children living outside their country of birth. While the total rates of migration are low, the share of children among Africa's migrants is the largest for any region [34]. Nearly one in three African migrants is a child, more than twice the global average.

# QUESTIONS A RESOLUTION MUST ANSWER (QARMA's)

- 1. Understanding that language and economics barriers prevent migrant children from attending school in the recipient countries, what programs can be implement in order to diminish this barriers and make education available for them?
- 2. How can we ensure all children get access to proper health care in the short term specially when arriving to the country of destination as migrants?
- 3. For unaccompanied children, which measure can be taken into account to ensure that get access to all the social services the have the right to such as education, health care?
- 4. What are the actions the home country should apply in order to prevent migration of children and their families, so that children are not exposed to the dangers of smuggling and trafficking?
- 5. Which other United Nations organism can be used to protect the right to all migrant children?

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