Child Refugees: A Vulnerable Generation

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"What is at stake is nothing less than the survival and well being of a generation of innocents."

-António Guterres

United Nations Secretary-General

Multitudinous challenges are faced by millions of extremely vulnerable refugee children affected by the violent conflicts and crisis that make them leave their home and risk everything on a death-defying crossing. There exists a pressing need for providing them the required assistance and protection with the view to nurture the future of the world. A study conducted by UNICEF revealed that around the world today, 50 million children have migrated across borders or been forcibly displaced within their own countries. This figure is inclusive of a whooping 11 million child refugees. The number of child refugees has jumped by roughly 75 per cent between 2010 and 2015. The ever increasing number of wars and armed conflicts adds to this unprecedented upswing in status of child refugees. One of the major Conventions dealing with this issues related to children is 'The Convention on the Rights of the Child (CRC).' It necessitates ratifying countries to respect and shield the rights of all children within their territories, irrespective of a child's background or migration status. While the legal framework protecting refugee and other migrant adults is fragmented, the CRC outlines a comprehensible and concrete set of protections for every child, taking into account their particular vulnerabilities.

While their quantified status show only the general status of refugees. We often neglect the mental oppression and pressure this inflict on the mindset as well as future of such children. There have even been cases where children have known nothing but war, deprivation and fear. They aren't in

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school and often scuffle to find the basic requisites – their lives and futures at an optimum scale of risk.

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Child refugees:

Migrants are individuals who are moving or have moved across an international border or within a state away from their habitual place of residence, regardless of: (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.[3] As per the Convention of 1951 relating to the Status of Refugees, Refugees are the individuals who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. As per Convention on the Rights of the Child, the terms 'child' refers to all people below the age of 18 years. Among the world's migrants are more than 21 million refugees among them around 10 million are children who have been forcibly displaced from their own countries.[4]

Why Children Migrate?

Every year, in every part of the world, children and families make the decision, sometimes freely and sometimes under duress, to move. Major reasons (which can be either negative or positive) behind such movement can be listed as follows:

- To flee armed conflict and to escape persecution and the violence and social marginalization they experienced in those countries.[5]
- Due to ravages of changing, ever harsher climate on environments and livelihood.
- Water and food Crisis.
- Many young migrants set out to find opportunities for work or education.[6]

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[3] United Nations Children's Fund, *Uprooted: The growing crisis for refugee and migrant children*, UNICEF, New York, September 2016, page 14.

[4]Supra Note 1 at pg. 17.

[5] UNICEF, *Uprooted, The growing crisis for refugee and migrant children, September 2016, p.83, citing UNHCR, Mixed Maritime Movements in South-East Asia in 2015, February 2016, p.2*

[6] International Labour Organization, *World Employment Social Outlook – Trends for youth 2016*, 2016, pp. 12–13; *Uprooted*, p. 43, based on data from the UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, (21, February, 2018: 7:41 p.m.) , http://uis.unesco.org/en/uis-student-flow.

- Community traditions of migration.
- Safety and Security.
- In other cases, children leave home to avoid the prospect of unwanted child marriage, female genital mutilation or gender-based violence (in the case of girls)[7] or forced conscription (a particular risk for boys in some contexts).[8]

Status of Child Migrants - The real threat:

Child migration is a global reality. As of 2015, 31 million children were living outside their country of birth. While most of them moved in a regular fashion to relocate in a different country with their families, this number also includes 10 million child refugees and 1 million asylum seekers who fled armed conflict, violence and persecution.[9]

Since 1990, the number of international child migrants has grown along with the global population, with the share of migrants among the world's children remaining stable. Movements related to conflict, meanwhile, have spiked. The overall number of refugees – children and adults under the mandate of the United Nations High Commissioner for Refugees (UNHCR) – increased from 10.4 million at the end of 2011 to 16.5 million in 2016.[10] While in 2005 about 1 in 350 children was a refugee, in 2015 the ratio came to nearly 1 in 200 children. Half the world's refugees were children. Alarming numbers of children are moving on their own. On the Central Mediterranean route to Italy in 2015, unaccompanied and separated children made up 75 per cent of all children arriving in Italy by sea; this proportion rose to 92 per cent in 2016 and remained at that level through the first two months of 2017. Most of these children came from Eritrea, the Gambia, Nigeria, Egypt and Guinea.[11] Around 200,000 unaccompanied and separated children applied for asylum in 2015 and 2016 in about 80 countries with available data while about 100,000 were apprehended at the

[7] Temin, Miriam, et al., *Adolescent Girls on the Move: Adolescent girls and migration in the developing world – A Girls Count report on adolescent girls*, POPULATION COUNCIL, New York, 2013, pp. 20–25.
[8] Regional Mixed Migration Secretariat and Save the Children, *Young and on the Move: Children and youth in mixed migration flows within and from the Horn of Africa*, *Mixed Migra-tion: Explaining people on the move no. 10*, RMMS, Nairobi, September 2016, p. 45.
[9] Supra note 1 at pp. 7, 17–18, 22
[10] United Nations High Commissioner for Refugees, '*Mid-Year Trends 2016'*, UNHCR, Geneva, 2016, p. 5.
[11] United Nations High Commissioner for Refugees, '*Mediterranean Situation*', UNHCR, Geneva, , (11 April 2017)

border between Mexico and the United States during the same period.[12]Taken together, these numbers – 300,000 children – demonstrate a dramatic rise, compared to the 66,000 recorded in 2010–2011. These numbers refer to only a subset of children moving across borders on their own. The total number of unaccompanied and separated children on the move worldwide is likely much higher.

An unprecedented 65.6 million people around the world have been forced from home. Among them are nearly 22.5 million refugees, over half of whom are under the age of 18.

There are also 10 million stateless people who have been denied a nationality and access to basic rights such as education, healthcare, employment and freedom of movement.

In a world where nearly 20 people are forcibly displaced every minute as a result of conflict or persecution[13]

Turkey remains the largest host of refugees globally, with nearly 3 million living inside its borders. Pakistan is second. Among the top ten host nations only one is a high-income country: Germany, at number 8 on the list, hosting 669,500 refugees and asylum seekers.[14]

Child Refugees and Conflict States:

The number of refugees and internally displaced now stands at more than 65 million. This is the largest figure ever recorded. According to the UN Refugee Agency, more than half of the world's refugees come from just three countries ravaged by conflict – Syria, Afghanistan and Somalia (these figures do not include the 5.2 million Palestinians registered by the UN Relief and Works Agency). For front-line states such as Turkey, Pakistan, Lebanon, Kenya and the Democratic Republic of Congo, the pressures caused by massive influxes of people can be overwhelming. The cost to future generations is even more alarming: half of all refugees in 2015 were children.[15]

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[12] U.S. Customs and Border Protection, *'United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016'*, (11th April, 2017).

[13]Unhcr, *Statistical yearbooks*, by UNHCR, (21, January, 2018), http://www.unhcr.org/figures-at-a-glance.html.

[14] Jason Beaubien, *Surprising Facts About The Refugee Crisis*, (20th june , 2017), https://www.npr.org/sections/goatsandsoda/2017/06/20/533634405/five-surprising-facts-about-the-refugee-crisis.

[15] Crisis Group, *What's driving the global refugee crisis*, INTERNATIONAL CRISIS GROUP,(September 2016), https://www.crisisgroup.org/global/what-s-driving-global-refugee-crisis.

Two billion people live in countries where development outcomes are affected by fragility, conflict, and violence Forced displacement is a development world crisis: 95% of refugees and internally-displaced live in developing countries, originating from the same 10 conflicts since 1991, consistently hosted by about 15 countries – also overwhelmingly in the developing world.[16]

Consequences of Illegal Migration upon Children:

The consequences of Migration are possibly miscellaneous. Migration has significant influence on the population size of both receiving and sending regions. This also include impact on population composition, economic productivity income inequality, access to social services, family and kinship structure, social roles as well as values and image of country.[17] Migrations of whatever cause have impacts in the place of origin and destination on the type of migration in receiving or losing while little is known about the potentially important impacts. Beyene[18] quoted from Essang and Maba Wonku studies on merit and demerit of migration to origin and destinations like Nigeria conclude the following notions regarding land/man ratio as migrant families out of agriculture are relatively more beneficiaries than families of none migrant members because their children have not migrated.

TRAFICKING:

Children remain the second most commonly detected group of trafficking victims globally after women, accounting for 28 per cent of the total in 2014.[19] Almost 60 per cent of victims are trafficked across at least one international border. Detected female victims are mainly trafficked for sexual exploitation (72 per cent), followed by forced labour (20 per cent). Detected male victims are mainly trafficked for forced labour (86 per cent), followed by sexual exploitation (7 per cent).[20]

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[16]World Bank, *Fragility Conflict and Violence* ,(accessed 21, Jan, 2018), http://www.worldbank.org/en/topic/fragilityconflictviolence/overview.

[17] Mohammed YA, *Cause and Consequence of Cross Border Illegal Migration from South Wollo, Ethiopia.* Department of Social Sciences Wolaita Sodo University, ARTS SOCIAL SCI J 7:188. DOI:10.4172/2151-6200.1000188, (2016).

[18] Beyene BM, *Determinants of internal and international migration in Ethiopia*, University of Oslo.(2011)

[19] United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2016*, UNODC, Vienna, (Jan, 2016), p. 6.

[20] Supra note 17 at pg. 22-28.

CHILD LABOUR:

Child Labour is also one of the major consequence that arises out of illegal migration. In Jordan, Lebanon and Turkey, shopkeepers, farmers and manufacturers hire Syrian refugee children, in some cases because they can pay them a lower wage. Children, especially girls, are seen as less likely to be targeted by police or prosecuted for illegal work than adults, so families are more likely to send them to work.[21] Not all children who work are exploited or trafficked. Many children on the move want to work and earn money – some to support families left back home,24 others to repay debts to family or to smugglers.[22]

POST REFUGE SCHOOLING AND EDUCATION:

These include some 1.5 million refugee children missing out on primary school, the report found, while 2 million refugee adolescents are not in secondary school. [23]The report, "Left Behind: Refugee Education in Crisis", compares UNHCR sources and statistics on refugee education with data from UNESCO, the United Nations educational, scientific and cultural organization, on school enrolment around the world. Globally, 91 per cent of children attend primary school. For refugees, that figure is far lower at only 61 per cent – and in low-income countries it is less than 50 per cent. This poses as a threat to education and future of every child that harms his growth.[24]

UNHCR Policy Framework for the Protection of Children:

The UNHRC Policy Framework has been working since a long period of time for the Protection of Children who has been subjected to refuge due to Conflict States. The following are the numerous policies functioning in this order:

• Guidelines on Refugee Children (1988)

[21] Terre des Hommes, Osnabrueck, Germany *"Because We Struggle to Survive": Child labour among refugees of the Syrian conflict*, Child Labour Report 2016, (June 2016), p. 20.
[22] *Young Invisible Enslaved*, at p. 16.
[23] Unhcr, *Education Crisis Faced by Refugee Children, UNHCR*(2017), http://www.unhcr.org/news/press/2017/9/59b6a3ec4/unhcr-report-highlights-education-crisis-refugee-children.html.
[24] *Left Behind Refugee Education in Crisis*, UNHCR (2017) ; http://www.unhcr.org/left-behind/.

• Policy on Refugee Children (1993)[25]

• Refugee Children: Guidelines on Protection and Care (1994) [26]

• UNHCR Policy on Adoption (1995) [27]

• UNHCR Policy on Harmful Traditional Practices (1997)

• UNHCR Agenda for Protection (2003) [28]

• Summary Note UNHCR's Strategy and Activities Concerning Refugee Children (2002) (The 5 Commitments to Children) [29]

• EXCOM Conclusion on Women and Girls at Risk No. 105 (LVII) (2006) [30]

• EXCOM Conclusion on Children at Risk No. 107 (LVIII) (2007) [31]

• UNHCR Accountability Framework for Age, Gender and Diversity Mainstreaming (2007) [32]

• UNHCR Handbook for the Protection of Women and Girls (2008) [33]

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[25] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21,2018), www.unhcr.org/refworld/docid/3f9e6a534.html.

[26]UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/3ae6b3470.html.

[27] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21,2018), www.unhcr.org/refworld/docid/42f9c3714.html.

[28] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21,2018), www.unhcr.org/refworld/docid/4714a1bf2.html.

[29] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/3f9e55704.html.

[30] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/45339d922.html.

[31] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), http://www.refworld.org/docid/4714a1bf2.html.

[32] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/47a707950.html.

[33] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/47cfc2962.html.

• Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees (HCR/GIP/09/08) (2009). [34]

• UNHCR Guidelines on Determining the Best Interests of the Child (2008) www.unhcr.org/refworld/docid/48480c342.html and Field Handbook (2011)[35]

• Age, Gender and Diversity Policy: Working with People and Communities for Equality and Protection (2011)[36]

• Action against Sexual and Gender-Based Violence: an updated Strategy (2011) [37]

• UNHCR Education Strategy, 2012-2016 (2012)[38]

Suggestions:-

There is urgent need to provide special protection child refugees as well as a safe and regular channel for refugees including opportunities for resettlement. There is need to make essential policies between different states providing for special assistance to child refugees and combating crime against them and establishing special centers for asylum in every state for providing for a secure living to such children as well as proper schooling and health facilities. The government shall also work towards proving these unaccompanied children legal guardians as well as adoption services. The practice of Criminalization of the child refugees on the basis of their refugee status shall be curbed and governments shall work towards providing them a special legal status and basic human rights.

[34] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/4b2f4f6d2.html
[35] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/4e4a57d02.html
[36] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/4def34f6887.html
[37] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/4e01ffeb2.html
[38] UN High Commissioner for Refugees (UNHCR), *Agenda for Protection*, October 2003, Third edition, (accessed February 21, 2018), www.unhcr.org/refworld/docid/4f4cd9812.html