



United Nations Children's Fund  
(UNICEF)

**MUNUC 33**  
**ONLINE**



## TABLE OF CONTENTS

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<b>CHAIR LETTER.....</b>	<b>3</b>
<b>HISTORY OF COMMITTEE.....</b>	<b>4</b>
<b>TOPIC A: JUVENILE JUSTICE.....</b>	<b>6</b>
Statement of the Problem.....	6
History of the Problem.....	11
Past Actions.....	15
Possible Solutions.....	18
Bloc Positions.....	21
Glossary.....	25
Bibliography.....	27
<b>TOPIC B: SOCIAL SERVICE INEQUALITIES FOR IMMIGRANT CHILDREN.....</b>	<b>31</b>
Statement of the Problem.....	31
History of the Problem.....	35
Past Actions.....	39
Possible Solutions.....	42
Bloc Positions.....	45
Glossary.....	48
Bibliography.....	49

## CHAIR LETTER

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Dear Delegates,

My name is Max Johnson, and I am a fourth-year at the University of Chicago. I study pure mathematics and my end-goal is to become a research professor in Algebraic Topology. This year I will be applying to graduate schools and will soon be learning where I will be headed next year for my Ph.D. Outside of mathematics, I am an avid rock climber and overall fan of the outdoors. I love to travel and try to knock countries off my bucket list as often as possible.

You are all ahead of me in Model UN: I did not start until I was in college. I started off all-in; however, and in my first year I was a member of the competitive team, an Assistant Chair for ChoMUN (the college conference that UChicago organizes), and an administrative staffer for MUNUC. I have since run several committees at the college and middle school level, but because I was on the Executive Committee for MUNUC last year, this is my first high school committee. I hope you will all go easy on me!

The topics we are going to address in committee are important to me personally, and, most likely, to many other people in the room. Out of respect for the personal experience some may have with inequality and failures of justice for young immigrants and the overall gravity of these issues, I ask that you consider deeply how anything you say or propose might affect others in committee. Because you do not know each other's backgrounds, treating the issues respectfully is of the utmost importance. Therefore while in general I think people would consider me a light-hearted and laid-back moderator, I ask that you all allow me to moderate with a light touch by agreeing with those norms and the ones set out later in this background guide!

I can't wait to meet you all!

Max J.

## HISTORY OF THE COMMITTEE

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The United Nations Children's Fund (UNICEF) was founded by a unanimous resolution on December 11, 1946, with the goal of sustaining emergency support to women and children affected by World War II.<sup>1</sup> Since its inception, UNICEF has been a pioneer in promoting safe environments for young people within the international community. UNICEF's founding director, Maurice Pate, was instrumental in ensuring that food and supplies were delivered to war afflicted children during World War II. Pate then led UNICEF's efforts to increase its aid to children in poverty stricken developing countries.<sup>2</sup> In 1965, the United Nations Children's Fund was awarded the Nobel Peace Prize. Among UNICEF's commendations were its actions to combat diseases such as malaria and yaws, as well its campaigns to cease hunger and malnutrition in the developing world.<sup>3</sup>

UNICEF expanded its mission beyond the original goals of its establishment in 1946. After becoming a permanent part of the United Nations in 1953, the core of its mission developed to include protecting the rights of children, upholding the Convention on the Rights of the Child (CRC), and advocating for education and the equality of the sexes.<sup>4</sup> Furthermore, UNICEF became committed to the task of helping children in the worst strife, including victims of war, any form of violence, discrimination, and exploitation.<sup>5</sup> With UNICEF declaring its resolve to respond quickly and efficiently to international emergencies, UNICEF workers came to represent an important presence in assisting children caught in major conflicts. Additionally, the committee decided to remain non-partisan in its objective to carry out the United Nations' broader human development goals.<sup>6</sup>

With the cooperation of a number of global partners, from NGOs to fellow UN bodies, UNICEF has achieved numerous successes. The United Nations Children's Fund has teamed with The Red Cross, Kiwanis International, United Nations Education, Scientific and Cultural Organization (UNESCO), United Nations Office on Drugs and Crime (UNODC) and several other organizations. Furthermore,

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<sup>1</sup> "Our History," UNICEF, [http://www.unicef.org/about/who/index\\_history.html](http://www.unicef.org/about/who/index_history.html).

<sup>2</sup> "Maurice Pate Biography," UNICEF, [http://www.unicef.org/about/who/index\\_bio\\_pate.html](http://www.unicef.org/about/who/index_bio_pate.html).

<sup>3</sup> "The Nobel Peace Prize 1965-Presentation Speech." NobelPrize.org, [http://www.nobelprize.org/nobel\\_prizes/peace/laureates/1965/press.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/1965/press.html).

<sup>4</sup> "UNICEF's Mission Statement." UNICEF, [http://www.unicef.org/about/who/index\\_mission.html](http://www.unicef.org/about/who/index_mission.html).

<sup>5</sup> Ibid.

<sup>6</sup> "UNICEF's Mission Statement." Unicef.org. April 25, 2003.

UNICEF works directly with state government officials to better the condition of the world's children. Such partnerships made it possible for UNICEF to organize the World Summit for Children in 1990.<sup>7</sup> As it stands, the purview of UNICEF remains to promote and encourage peaceful government action concerning children. UNICEF uses research and data collection, statistics and monitoring, and supplies and logistics; through these various methodologies, UNICEF has been able to complete incredible fieldwork in over 190 countries, as well as influence child-friendly international and domestic policy.

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<sup>7</sup> "What We Do | UNICEF," UNICEF, <http://www.unicef.org/whatwedo/>.

## TOPIC A: JUVENILE JUSTICE

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### Statement of the Problem

The treatment of **juvenile** delinquents is now fiercely contested. Activist movements promoting the rights of youth offenders emerged a couple hundred years ago, and advocacy on the behalf of young people has significantly increased in recent times. Prior to the Geneva Declaration of the Rights of the Child in 1924,<sup>8</sup> little international debate existed concerning **juvenile offenders**. Governments now struggle to assign appropriate punishments for children, and the United Nations fights to ensure that troubled youth are fairly represented. The best method of reducing the number of young criminals remains to be determined, but strong cases have been made for an increased focus on prevention plans and alternatives to jailing. Circumstances are becoming dire for youth who choose to commit crimes, and UNICEF must help to determine the fitting consequences for these individuals.

UNICEF estimates that nearly one million children are in the custody of law enforcement officials at any point in time.<sup>9</sup> Social, economic, and cultural circumstances have been linked to the issue of juvenile delinquency. Factors such as poverty, unemployment, and a lack of education contribute to the amount of youth engaged in crime. Both developing and developed countries continue to face difficulties in preventing juvenile criminality and appropriately administering consequences for young offenders. Although only a small portion of youth become involved in criminal **offenses**, those who do are often brought to a life of crime by the nature of their life circumstances. Whether as victims or offenders, young people continue to be unintentionally caught in circles of crime in their towns, cities, and villages. From abusive home situations to physical altercations on the streets, exposure to violence often makes youth (young males in particular) more inclined to break the law.<sup>10</sup>

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<sup>8</sup> UN Documents, "Geneva Declaration on the Rights of the Child," United Nations, <http://www.un-documents.net/gdrc1924.htm>

<sup>9</sup> UNICEF, "The State of the World's Children 2011," UNICEF, [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf).

<sup>10</sup> UNICEF, "The State of the World's Children 2011," UNICEF, [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf).

Furthermore, children involved in alcohol and drug abuse are more likely to commit crimes.<sup>11</sup> The purpose of this committee will thus be to address penal standards, restorative programs, and preemptive methods concerning the matter of juvenile justice.

The United Nations defines a juvenile as a child who is treated differently than an adult for committing an offense; an offense is behavior that is punishable by a legal system.<sup>12</sup> Thus, a juvenile offender is a young person who has been charged with or found guilty of committing an offense.<sup>13</sup> The internationally accepted age for juveniles are those who are under 18 years old. However, the discrepancy in the age range for juveniles who bear responsibility for their crimes creates problems for the administration of justice for young people. Some countries have set the minimum age of criminal responsibility as young as 7 years of age, as international law maintains that the age must be set by state governments.<sup>14</sup> The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, also called the **Beijing Rules**, is a foundational document on juvenile rights that was enacted in 1985. In the Beijing Rules, the United Nations calls upon member states to ensure that the **Minimum Age of Criminal Responsibility (MACR)** is not set too low, which the committee must seek to more specifically define, as it currently leaves a lot of room for interpretation.<sup>15</sup> It is incredibly important that nations reach a consensus on the MACR. Legal standards and restorative programs can then be tailored to children who have an adequate comprehension of their actions.

Although the age of criminal responsibility is consistently high in western countries, these nations still face a series of problems within their **penal systems**. Particularly, the allotment of punishment for youth has been an issue of contention. More developed countries often fail to recognize and adapt to the needs of youth within their existing legal systems. In the United States, young criminals

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<sup>11</sup> Karen Edwards, "Kids Who Abuse Drugs Are More Likely to Commit Serious Crimes," Juvenile Justice Information Exchange, <http://jjie.org/kids-who-abuse-drugs-more-likely-commit-serious-crimes/>.

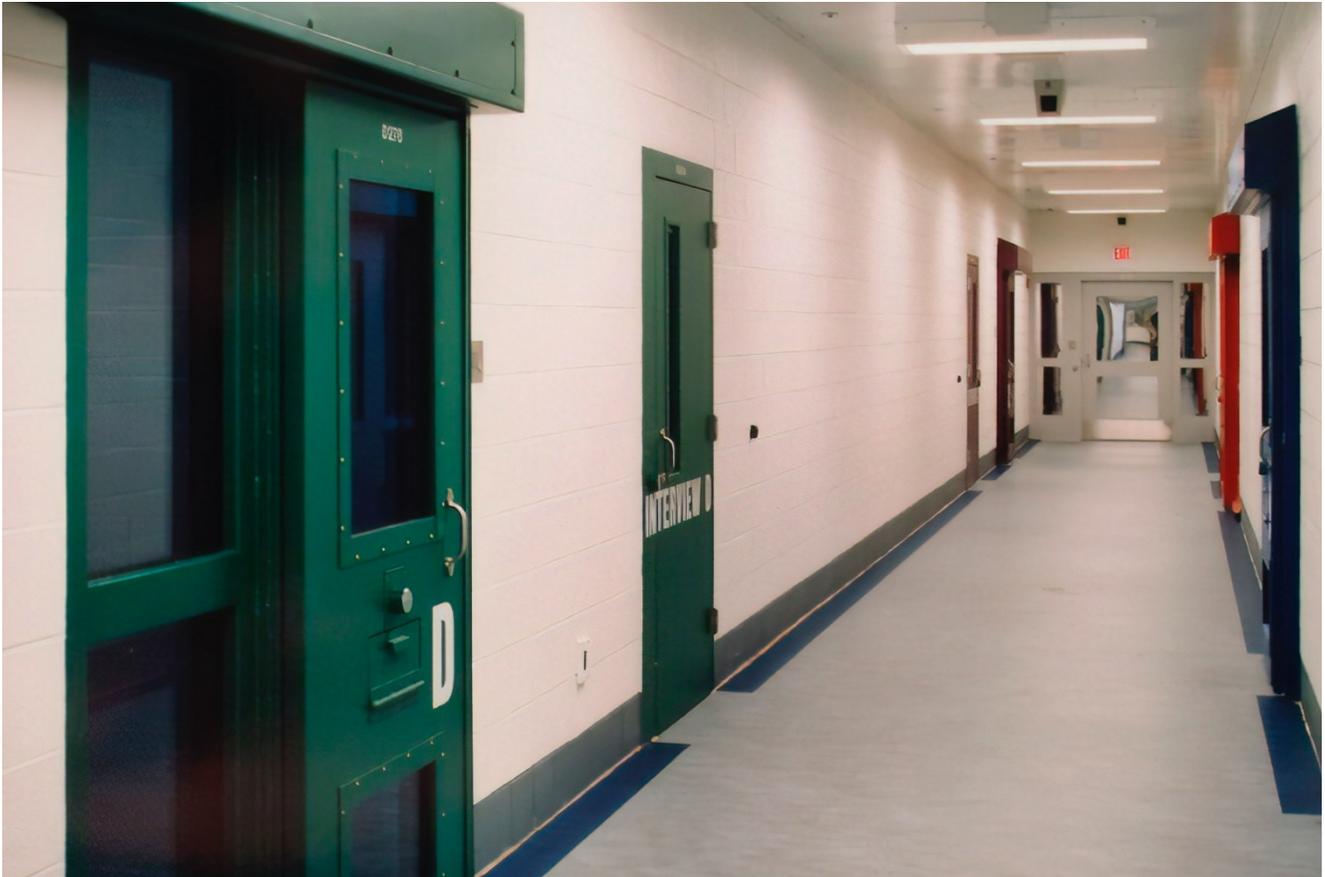
<sup>12</sup> UNODC, "United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")" UNODC, [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Admin\\_of\\_Juvenile\\_Justice\\_Beijing\\_Rules.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Admin_of_Juvenile_Justice_Beijing_Rules.pdf).

<sup>13</sup> Ibid.

<sup>14</sup> UNICEF Innocenti Research Centre, "International Criminal Justice and Children," UNICEF, <http://www.unicef.org/emerg/files/ICJC.pdf>.

<sup>15</sup> United Nations Office on Drugs and Crime, "United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")," UNODC, [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Admin\\_of\\_Juvenile\\_Justice\\_Beijing\\_Rules.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Admin_of_Juvenile_Justice_Beijing_Rules.pdf).

are often given excessive sentences for minor offenses. One example of this is sentencing juvenile offenders to life without parole.<sup>16</sup> Furthermore, the matters of **pre-trial detainment**, proper legal representation, and detention conditions are only a few issues that require attention concerning the topic of juvenile justice. Pre-trial detainment is the procedure of holding youth with law enforcement before a trial has taken place, while detention refers to time in prison.<sup>17</sup> It is crucial that young people have requisite legal representation in these circumstances.



Legal systems, however, require vast restructuring in how they approach juvenile delinquents. Some nations fail to maintain a legal system that specifically handles young offenders, while other jurisdictions fail to separate the punishments of children and adults. In both cases, there is no distinct system and methodology for the purpose of dealing with juvenile delinquents.<sup>18</sup> As a result, children

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<sup>16</sup> American Civil Liberties Union, "Juvenile Life without Parole," ACLU, <https://www.aclu.org/blog/tag/juvenile-life-without-parole>.

<sup>17</sup> UNODC, "Handbook on Restorative Justice Programmes," UNODC, [http://www.unodc.org/pdf/criminal\\_justice/o6-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/o6-56290_Ebook.pdf).

<sup>18</sup> UNICEF, "Guidance for Legislative Reform on Juvenile Justice," UNICEF,

are often tried under the same circumstances as adults and subsequently issued the same types of punishments. In part to the ongoing brain development of younger, behavioral problems and emotional instability are often seen among juvenile delinquents.<sup>19</sup> Such situations require the formation of appropriate court systems, bureaus, and governmental units that address juvenile delinquents. Reform and implementation are thus two necessary forms of improving the judicial process for young offenders.

Additionally, lengthy sentences set youth up for a lifetime in prison for one-time offenses. Unfavorable prison conditions worsen these situations. In prison, many young people are exposed to extreme violence and denied access to years of education.<sup>20</sup> Juvenile detention centers, however, are problematic as well. Studies show that children sentenced to juvenile correctional centers are 37 times more likely to commit crimes as adults than those young people who evade the legal system altogether.<sup>21</sup> The penal system hence presents several problems that must be addressed concerning juveniles. Across the globe, countries of varying stages of development continue to deal with meting out appropriate punishments in the juvenile justice system.

Developing countries face even more extreme issues with the existence of cruel and inhumane punishments within the legal system. In some cases, youth are eligible for execution, torture, and public flogging. Such forms of punishment are internationally condemned as unfit for the world's youth under the **Convention on the Rights of a Child (CRC) of 1990**.<sup>22</sup> Unstable and corrupt governments, however, fail to adhere to international standards. It often becomes difficult to regulate the actions of those in power in these countries from an international standpoint. Despite warnings from the United Nations, certain member nations continue to disregard global standards on children's rights. In regions where legal systems are in need of a major overhaul, it is difficult for juveniles to receive appropriate treatment. Many nations in South Asia currently have MACRs as

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[http://www.unicef.org/policyanalysis/files/Juvenile\\_justice\\_16052011\\_final.pdf](http://www.unicef.org/policyanalysis/files/Juvenile_justice_16052011_final.pdf).

<sup>19</sup> Gary Scott, "Prison Is Too Violent for Young Offenders," NYTimes, <http://www.nytimes.com/roomfordebate/2012/06/05/when-to-punish-a-young-offender-and-when-to-rehabilitate/prison-is-too-violent-for-young-offenders>.

<sup>20</sup> The United Nations, "World Program of Action for Youth," UN, <http://www.un.org/esa/socdev/unyin/documents/wpay2010.pdf>

<sup>21</sup> Maia Szalavitz, "Why Juvenile Detention Makes Teens Worse," Time, <http://content.time.com/time/health/article/0,8599,1914837,00.html>.

<sup>22</sup> OHCHR, "Convention on the Rights of the Child," Convention on the Rights of the Child, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

young as seven years old, the lowest in the world.<sup>23</sup> Imprisonment is generally recommended as the last resort in handling youth offenders; nevertheless, the appropriate measures must be put in place to ensure effective use of judicial action.<sup>24</sup>

Large populations of the world's youth committing offenses are drawn to a life of criminality by circumstances beyond their control. In countries of progressive to advanced stages of economic development, a lack of basic resources and destitute living conditions lead youth to the streets. For many urban youth residing in slums, petty theft provides the only source of sustenance.<sup>25</sup> These urban slums are also primary settings for gang activity. Youth without proper family support band together in gangs for collective protection; as a group, these children gain control of city territories, engage in violent crime, and take part in various forms of trafficking.<sup>26</sup> The existence and proliferation of gangs is a major source of youth criminality.

Furthermore, lack of education and economic security are major factors in the perpetuation of young delinquents.<sup>27</sup> Without access to schooling, youth are left to roam the streets in search of leisure activities. Consequently, children sometimes fall into the hands of gangs and crime. Economic instability also contributes to increases in youth offenses, as families may rely on children to provide financial support. The task of organizations such as UNICEF then becomes to find ways of preventing such circumstances. Creating safe leisure activities, addressing the issue of socio-economic inequality, and curbing gang violence are only a few of the actions that the United Nations can take to condemn juvenile delinquency. Just as important as both restorative and penal justice, preemptive solutions to youth crime have proven to be incredibly effective in reducing the amount of young offenders worldwide.

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<sup>23</sup> UNICEF, "South Asia and the Minimum Age of Criminal Responsibility," UNICEF, [http://www.unicef.org/rosa/Criminal\\_Responsibility\\_08July\\_05\(final\\_copy\).pdf](http://www.unicef.org/rosa/Criminal_Responsibility_08July_05(final_copy).pdf).

<sup>24</sup> OHCHR, "Convention on the Rights of the Child," Convention on the Rights of the Child, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>25</sup> United Nations, "Fact Sheet on Juvenile Justice," United Nations, <http://www.un.org/esa/socdev/unyin/documents/wyr11/FactSheetonYouthandJuvenileJustice.pdf>.

<sup>26</sup> Ibid.

<sup>27</sup> UNDSPD, "Juvenile Justice WPAY," Youth Social Policy and Development Division, <http://undesadspd.org/Youth/WorldProgrammeofActionforYouth/Juvenilejustice/JuvenilejusticeWPAY.aspx>.

## History of the Problem

### *Socioeconomic Incentives for Youth Crime*

The importance of social justice in regard to juvenile justice has become increasingly important over the years.<sup>28</sup> Social justice initiatives have attempted to combat issues with both the family and the individual in order to prevent juvenile crime. In line with the mission of the International Federation of Social Workers, UNICEF's 2013 Report on the Role of Social Work in Juvenile Justice specifically focuses on "promoting social change, problem solving in human relationships, and empowering people to enhance their own well-being."<sup>29</sup> Furthermore, this report calls for social work within the system of juvenile justice itself. Therefore, it has been brought to attention that specially trained officials are needed to work with children in programs that seek to improve the quality of their everyday lives, as well as in situations where they require protection under the law.

### *Legislative Restructuring*

Judicial action concerning juveniles remains problematic. Where systems for juvenile justice are in place in both the developing and developed spheres of the world, vast changes must be made. Prior to the 2005 U.S Supreme court ruling in *Roper v. Simmons*, children were eligible for the death penalty in the United States.<sup>30</sup> Even after the eradication of this statute, however, sentencing youth to life without parole remains one of the largest issues in U.S penal systems. In the United States alone, the American Civil Liberties Union (ACLU) reports that approximately 2,570 children are sentenced to life without parole each year.<sup>31</sup> Harsh prison conditions subsequently expose children to the possibility of rape and sexual assault, famine, and violence at a higher rate than they would otherwise.<sup>32</sup> Youth not only miss the opportunity for an education but also are placed in precarious living conditions. The state of California has historically sentenced an especially high number of

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<sup>28</sup> UNICEF, "The Role of Social Work in Juvenile Justice," UNICEF, [http://www.unicef.org/ceecis/UNICEF\\_report\\_on\\_the\\_role\\_of\\_social\\_work\\_in\\_juvenile\\_justice.pdf](http://www.unicef.org/ceecis/UNICEF_report_on_the_role_of_social_work_in_juvenile_justice.pdf).

<sup>29</sup> Ibid.

<sup>30</sup> Charles Lane, "5-4 Supreme Court Abolishes Juvenile Executions," Washington Post, <http://www.washingtonpost.com/wp-dyn/articles/A62584-2005Mar1.html>.

<sup>31</sup> American Civil Liberties Union, "Juvenile Life Without Parole," ACLU, <https://www.aclu.org/blog/tag/juvenile-life-without-parole>.

<sup>32</sup> Joanna Sugden and Preetika Rana, "Juvenile Justice, an International Perspective - India Real Time - WSJ," The Wall Street Journal, <http://blogs.wsj.com/indiarealtime/2013/09/04/juvenile-justice-an-international-perspective/>.

youth to life without parole, even for crimes that did not result in a conviction of murder or manslaughter.<sup>33</sup> Cases of this nature have involved young people who stood by during a robbery or who were only associated with the person who physically committed murder.<sup>34</sup> While many local governments in North America have repealed the allowance of life without parole sentencing for youth, other jurisdictions have instead sentenced young people to upwards of 70 years in prison.<sup>35</sup> Some question if this serves as an equivalent to reinstating the death penalty.

Putting juvenile systems in place can also prevent the assignment of extreme punishments to youth, a breach of Article 37 of the CRC. A lack of a proper legal system for child offenders has affected the youth of Yemen. As of March 2013, 22 young people remain on death row.<sup>36</sup> Although the country claims to not execute youth, the age of these individuals was questionably deemed inconclusive. In politically unstable countries such as Yemen, children maintain few or no rights under the law, and they are subject to inhumane punishment.<sup>37</sup> On the other hand, UNICEF member nations receive backlash for allotting insufficient punishments to juvenile offenders who commit crimes such as rape and murder. With UN encouragement, India increased the maximum age of a male juvenile from 16 to 18 in 2000.<sup>38</sup> Since the change in statute, older children in the country who commit egregious and violent crimes face minimal time in correctional facilities. It remains to be considered how nations should deal with young people who commit serious offences close to legal adult age for conviction.

Other major issues concerning legal reform include the criminality of **status offenses** and the practice of **doli incapax**, which means incapable of (criminal) intent. Status offenses are crimes that only those below a certain age can be charged with committing. This can include running away from home, breaking curfew, or disobeying one's parents or guardians. The penalties for these crimes are often disproportional to the original act, and the critical Riyadh Guidelines of 1990 sought to have

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<sup>33</sup> Human Rights Watch, "'When I Die, They'll Send Me Home' Youth Sentenced to Life without Parole in California," Human Rights Watch, [http://www.hrw.org/sites/default/files/reports/uso108\\_o.pdf](http://www.hrw.org/sites/default/files/reports/uso108_o.pdf)

<sup>34</sup> Ibid.

<sup>35</sup> Erik Eckholm, "Juveniles Facing Lifelong Terms Despite Rulings," The New York Times, <http://www.nytimes.com/2014/01/20/us/juveniles-facing-lifelong-terms-despite-rulings.html>.

<sup>36</sup> Human Rights Watch, "Yemen: Juvenile Offenders Face Execution," Human Rights Watch, <http://www.hrw.org/news/2013/03/04/yemen-juvenile-offenders-face-execution>.

<sup>37</sup> Ibid.

<sup>38</sup> Joanna Sugden and Preetika Rana, "Juvenile Justice, an International Perspective - India Real Time - WSJ," The Wall Street Journal, <http://blogs.wsj.com/indiarealtime/2013/09/04/juvenile-justice-an-international-perspective/>

them eliminated as criminal acts entirely.<sup>39</sup> The requirement of *doli incapax* to protect children is another method of criminalizing youth, for it bypasses the age of criminality if a young person is thought to be mentally aware of the actions of their crime.<sup>40</sup> This has served as a tool for incriminating youth who are often incapable of fully recognizing the severity of their actions. In light of such practices concerning legislative systems, the need for alternatives to penal systems is urgent.

### ***Historical Alternatives to Sentencing***

The need for well-defined alternatives to sentencing has been brought to light more frequently over the past few decades. Community involvement in dealing with criminals marks the tradition of several developing nations.<sup>41</sup> However, official **restorative justice** practices are more widely discussed since the implementation of the "Development and Implementation of Mediation and Restorative Justice Measures in Criminal Justice" resolution by UN Economic and Social Councils in 1999.<sup>42</sup> Combining governmental agencies, NGOs, victims, offenders, and families, restorative justice programs seek a holistic approach to handling youth offenders. Critical to this solution to youth crime is the cooperation of all parties involved and dedication to change on the part of the offenders. As a replacement to years behind bars and unjust forms of punishment, restorative justice has been shown to present a fitting approach to curbing juvenile crime. The United Kingdom, in particular, has made great efforts to incorporate restorative justice programs into its juvenile justice system since the latter part of the 1990s.<sup>43</sup>

In 2006, the UNODC published an all-encompassing handbook on restorative justice programs, discussing both prior international agreements on this matter and future policy suggestions. Of the restorative justice program it mentions, there includes victim-offender mediation, community and

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<sup>39</sup> UNODC, "United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)," UNODC, [http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Riyadh\\_Guidelines.pdf](http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Riyadh_Guidelines.pdf)

<sup>40</sup> UNODC, "Handbook on Restorative Justice Programmes," UNODC, [http://www.unodc.org/pdf/criminal\\_justice/o6-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/o6-56290_Ebook.pdf)

<sup>41</sup> UNICEF Innocenti Research Centre, "International Criminal Justice and Children," UNICEF, <http://www.unicef.org/emerg/files/ICJC.pdf>

<sup>42</sup> UNODC, "Basic principles on the use of restorative justice programmes in criminal matters," UNODC, <http://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

<sup>43</sup> Ministry of Justice and The Rt Hon Damian Green MP, "Restorative justice past and future," UK Government, <https://www.gov.uk/government/news/restorative-justice-past-and-future>

family group conferencing, and circle sentencing.<sup>44</sup> Victim-offender mediation works best in cases where the crime committed is not violent in nature, and can be resolved through verbal communication; conferencing involves the offender's family and members of society to play key roles in rehabilitation; lastly, circle sentencing requires community involvement in the judicial process to allow the individual a more personalized experience with legislation. Not all of these tactics have been properly tested for efficacy with juveniles, however, and it remains to be seen how they can be used to align with the needs of the world's youth.

Restorative justice, however, has had many proven successes. Studies conducted by UNICEF have shown that nearly 30% of youth who engage in programs of restorative justice felt that it had a positive impact in their lives.<sup>45</sup> With the many limitations of legal system for juvenile offenders, and the call to alternatives to sentencing brought to attention in at least 77 articles by 15 different international organizations, the need for restorative justice is apparent.<sup>46</sup>

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<sup>44</sup> UNODC, "Handbook on Restorative Justice Programmes," UNODC, [http://www.unodc.org/pdf/criminal\\_justice/o6-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/o6-56290_Ebook.pdf)

<sup>45</sup> Ibid.

<sup>46</sup> UNICEF, "Guidance for Legislative Reform on Juvenile Justice," UNICEF, [http://www.unicef.org/policyanalysis/files/Juvenile\\_justice\\_16052011\\_final.pdf](http://www.unicef.org/policyanalysis/files/Juvenile_justice_16052011_final.pdf)

## Past Actions

Since 1979, the “International Year of the Child,” the United Nations has passed several foundational documents related to the topic of juvenile justice. Among the documents in question, the Beijing Rules, **Riyadh Guidelines**, **Havana Rules**, **Vienna Guidelines**, and the Convention on the Rights of the Child, have been instrumental in shaping solutions for the reduction of youth offenders. In addition to UN action, several governmental and non-governmental agencies have come together to form the Interagency Panel on Juvenile Justice (IPJJ).<sup>47</sup> In light of this development, more focus has been placed on juvenile delinquency in both public and private sectors across the globe. Although substantial progress has been made concerning the treatment of youth offenders, room for change nevertheless still exists.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, or the Beijing Rules, was the first crucial document concerning the issue of youth crime along with the Riyadh Guidelines. Passed by the General Assembly in 1985, the Beijing Rules emphasize the need for separate legal systems for handling youth offenders, a minimum age of criminal responsibility that “shall not be fixed at too low an age level,” uniquely trained officials for overseeing youth arrest and detention, and specialized government units for the handling of young offenders.<sup>48</sup> In conjunction with the Beijing Rules, the 1990 Riyadh Guidelines specifically address concerns with the prevention of juvenile crime. Aiming to encourage preemptive solutions to youth crime, the guidelines stress community cooperation, increased youth programs and collaboration between all sectors of government and non-governmental organizations.<sup>49</sup>

Enacted within the time span of the Riyadh Guidelines and the Beijing Rules, the 1990 Havana Rules and the 1997 Vienna Guidelines also serve as foundational texts for the rights of juvenile offenders. The Havana Guidelines function as a tool for ensuring the rights of youth offenders, including proper

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<sup>47</sup> Interagency Panel on Juvenile Justice, “Who We Are,” IPJJ, <http://www.ipjj.org/about-us/ipjj/>

<sup>48</sup> UNODC, “United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)” UNODC, [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Admin\\_of\\_Juvenile\\_Justice\\_Beijing\\_Rules.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Admin_of_Juvenile_Justice_Beijing_Rules.pdf)

<sup>49</sup> UNODC, “United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines),” UNODC, [http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Riyadh\\_Guidelines.pdf](http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Riyadh_Guidelines.pdf)

accommodations in juvenile facilities and access to vocational training.<sup>50</sup> The Vienna Guidelines focus on the methodology of administering action concerning juvenile delinquents such as gathering resources between member nations to improve youth facilities and program.<sup>51</sup> All four documents were passed within the same decade, at the prime of the United Nations' emphasis on child rights. Hence, they continue to be an important point of reference in finding appropriate solutions for juvenile justice. Following the protocols advocated by these UN actions, the Convention on the Rights of the Child later served as another critical agreement for young offenders.

The CRC, effective on September 1990, remains especially important to juvenile justice. Of its many crucial clauses, Article 40 of the CRC requests that states establish a minimum age at which juveniles can be held responsible for crimes they commit; Article 37 prohibits the allotment of cruel punishments to children.<sup>52</sup> Furthermore, it condemns the use of capital punishment and life-long prison sentences for young offenders.<sup>53</sup> In light of this article, the United States is one of the few countries that have yet to ratify the treaty. States within the U.S continue to reserve the right to sentence youth to life without parole, preventing the United States from moving forward in adopting this youth rights agreement. Among those member states that have signed the treaty, however, nations still fail to adhere to the standards set forth for conferring punishment to juveniles. Recently, Intelligence Ministry officials in Iran were suspected of administering the death penalty to a juvenile offender involved in a religious conflict.<sup>54</sup> Numerous other cases involving the foregoing of international protocol have arisen. Consequently, it has come time for an update to UN action on the matter of juvenile justice, moving beyond the major treaties enacted between 1985 and 2000.

Both state governments and NGOs have also made headway in changing conditions for juvenile delinquents. In California, the state that administers the most life without parole sentences, Oakland has seen a tremendous improvement in the behavior of youth criminals, after implementing circle

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<sup>50</sup> UNODC, "Havana Rules: United Nations Rules for the Protection of Juveniles Deprived of their Liberty," UNODC, [https://www.unodc.org/pdf/criminal\\_justice/United\\_Nations\\_Rules\\_for\\_the\\_Protection\\_of\\_Juveniles\\_Deprived\\_of\\_their\\_Liberty.pdf](https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf)

<sup>51</sup> UNODC, "Vienna Guidelines: Administration of juvenile justice," UN News Center, <http://www.un.org/documents/ecosoc/res/1997/eres1997-30.htm>

<sup>52</sup> Ibid.

<sup>53</sup> UNICEF, "Fact Sheet: A summary of the rights under the Convention on the Rights of the Child," UNICEF, [http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

<sup>54</sup> Human Rights Watch, "Iran: Halt Execution of 33 Sunnis," Human Rights Watch, <http://www.hrw.org/news/2014/06/12/iran-halt-execution-33-sunnis>

sentencing, which is a method of restorative justice. In 2013, for instance, dozens of schools in Oakland, California began to use restorative justice as a means of helping young offenders.<sup>55</sup> Reviews of the effectiveness of these types of program have shown that specific interventions of “victim-offender conferencing, family group conferencing, arbitration/mediation programs” have a relatively high level of success.<sup>56</sup> Significant improvements have been made in the state to make up for the severity of punishments given to youth offenders in past life without parole sentences.<sup>57</sup> Additionally, NGOs in Turkey such as the Agenda Child Association use online tools to provide juvenile offenders and their families with information on legal assistance.<sup>58</sup> Technological advances now pave the way for broader access to juvenile justice resources.



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<sup>55</sup> Patricia Brown, "Opening Up, Students Transform a Vicious Circle," *The New York Times*, [http://www.nytimes.com/2013/04/04/education/restorative-justice-programs-take-root-in-schools.html?\\_r=0](http://www.nytimes.com/2013/04/04/education/restorative-justice-programs-take-root-in-schools.html?_r=0)

<sup>56</sup> Kimbrell, Katherine; Olaghere, Ajima; Wilson, David. "Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis." U.S Department of Justice Office of Justice Programs. May 12, 2017. <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/250872.pdf>.

<sup>57</sup> Ibid.

<sup>58</sup> Agenda Child Association, "Agenda: Child!," *Gündem Çocuk*, <http://www.gundemcocuk.org/hakkimizda/>

## Possible Solutions

The vast change needed to properly address the issue of juvenile justice can be made through a number of methods. Whether it is through emphasizing preventative action, expanding restorative programs, or reforming and creating pertinent international law, there are multiple avenues for changing juvenile justice systems across the globe. All of these approaches require the cooperation of several international groups. UN member nations must coordinate with each other, their state officials, and local populations to successfully thwart the rise of juvenile delinquency. When dealing with the sensitive nature of issues affecting children, it will take the dedication of all such parties to see that the goals of UNICEF are met.

One method that has proven to be especially effective in reducing the amount of juvenile offenders is the creation of preventative programs for youth crime.<sup>59</sup> Such programs aim to encourage young people to engage with their community, seek forms of entertainment aside from unlawful activities, and provide them with trusted officials in government with whom they can discuss their problems before they result in misconduct.<sup>60</sup> The UNICEF committee should draw ideas as to how prior action on the part of international and state organizations can lead to alternatives to crime. Preemptive action includes better access to housing, education, and healthcare for youth, socioeconomic factors that continue to major influences in the motivations for young offenders.<sup>61</sup> Member nations must consider the challenges that state governments face in sustaining economic support for its citizens. Whether it is unemployment, malnutrition, or dangerous environments, parents face difficult conditions, which can affect a young person's decision to commit a crime.

Also related to preventative measures is the growth of restorative justice programs. Restorative justice is an alternative to legal proceedings for youth delinquents. The United Nations Office on Drugs and Crime states, "restorative justice is a way of responding to criminal behavior by balancing

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<sup>59</sup> UNICEF, "Fact Sheet: A summary of the rights under the Convention on the Rights of the Child," UNICEF, [http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

<sup>60</sup> The United Nations, "World Program of Action for Youth," UN, <http://www.un.org/esa/socdev/unyin/documents/wpay2010.pdf>

<sup>61</sup> United Nations, "Fact Sheet on Juvenile Justice," United Nations, <http://www.un.org/esa/socdev/unyin/documents/wyr11/FactSheetonYouthandJuvenileJustice.pdf>

the needs of the community, the victims and the offenders."<sup>62</sup> Restorative justice aims at reintegrating young offenders into society, rather than having them squander a lifetime away in prison. In understanding the actions of young offenders, it seeks to effectively prevent the repetition of crime.<sup>63</sup> Restorative justice programs are thus very much tailored to the circumstances of each young offender, and the plan of action is based on his or her specific actions.

Restorative justice can take many forms. Some programs aim at individual rehabilitation while others require the active involvement of family members, victims, and offenders.<sup>64</sup> Restorative justice is especially unique because it can combine judicial action and community support in order to create a better future for the offender. It then becomes complicated, however, to ensure that each child is adequately taken care of within the restorative justice system. Mediation and counseling prove to be difficult amidst varying cultural traditions and societal practices.<sup>65</sup> As the methodology of restorative justice continues to develop, case-by-case analysis is increasingly important to maintaining the success of young offenders who are given this alternative. Looking into the conditions that prompted the committing of a crime can be especially telling of the best solution to juvenile delinquency.

Additionally, key areas of legislative reform include the matters of pre-trial and in-trial treatment of youth as well as cruel sentencing. First and foremost, there must be transparency in the manner of arresting youth.<sup>66</sup> Officers must be specially trained to handle youth delinquents, and should not use excessive force in doing so.<sup>67</sup> Before a youth is called to court, it is often recommended that the method of questioning used involve the presence of the parents or guardians of the offender. The existence of juvenile courts thus becomes imperative to legislative action. Children can be made to feel uncomfortable by being forced to testify as witnesses or even by being present during a trial.<sup>68</sup>

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<sup>62</sup> UNODC, "Handbook on Restorative Justice Programmes," UNODC, [http://www.unodc.org/pdf/criminal\\_justice/o6-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/o6-56290_Ebook.pdf)

<sup>63</sup> Ibid.

<sup>64</sup> Alternative Youth, "Restorative Justice," Alternative Youth, [http://www.alternativesyouth.org/restorative\\_justice](http://www.alternativesyouth.org/restorative_justice)

<sup>65</sup> UNODC, "Handbook on Restorative Justice Programmes," UNODC, [http://www.unodc.org/pdf/criminal\\_justice/o6-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/o6-56290_Ebook.pdf)

<sup>66</sup> UNODC, "Vienna Guidelines: Administration of Juvenile Justice," UN News Center, <http://www.un.org/documents/ecosoc/res/1997/eres1997-30.htm>

<sup>67</sup> UNODC, "Handbook on Restorative Justice Programmes," UNODC, [http://www.unodc.org/pdf/criminal\\_justice/o6-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/o6-56290_Ebook.pdf)

<sup>68</sup> UNICEF Innocenti Research Centre, "International Criminal Justice and Children," UNICEF, <http://www.unicef.org/emerg/files/ICJC.pdf>

Juvenile courts provide the appropriate standards for appropriate trial conditions to be made possible.

In both cases, legal action by domestic governments is considered to be the lowest preference in handling juvenile offenders. Restorative programs can effectively replace the harsh conditions of a prison environment, but more steps must be made in order to properly develop such programs. Increasing the number of program attendees and preventing the occurrence of repeat offenders must remain on the forefront of current and future restorative justice agendas. Solutions to these problems may lie in creating adequate check-up measures for young people who have successfully gone through the program as well as in ensuring that the program itself employs properly trained staff who are equipped to mediate the approaches unique to alternative justice.<sup>69</sup>

Furthermore, there has been a demonstrated need for the creation of new international agreements concerning juvenile justice. While the Beijing Rules, Riyadh Guidelines, Vienna Rules, and Havana Guidelines provide excellent tools for addressing juvenile delinquency, there has come a time for an update to these protocols. Changes in technology and new forms of crime bring the need for modern solutions to juvenile delinquency. Particularly critical to the dialogue concerning juvenile justice is the necessity of setting a more concrete list of condemnable punishments for juveniles, as well as creating a standard MACR.<sup>70</sup> These two matters serve as the largest sources of contention in the varying processes of attending to youth crime across the globe. Thus, it is the responsibility of this committee to encourage countries to come to a consensus on these matters and limit the potential for member nations to breach set agreements. With improvements and additions made to current international treaties, there can only be a more positive outcome for the state of the world's children. In uniting these varying solutions concerning juvenile justice, the most effective plan can be achieved for diminishing youth criminality.

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<sup>69</sup> UNICEF, "Guidance for Legislative Reform on Juvenile Justice," UNICEF, [http://www.unicef.org/policyanalysis/files/Juvenile\\_justice\\_16052011\\_final.pdf](http://www.unicef.org/policyanalysis/files/Juvenile_justice_16052011_final.pdf)

<sup>70</sup> Ibid.

## Bloc Positions

### ***East Asia & Asia-Pacific, excluding Japan and Republic of Korea***

*China, People's Republic of, India, Indonesia, Mongolia, Papua New Guinea, Thailand*

Justice systems across this region are commonly lacking in sensitivity to the needs of children, and these systems are quick to detain children in conflict with the law. Juveniles are often tried as adults. Furthermore, limited resources in these states often result in children being detained in the same facilities as adults, rendering children vulnerable to violence and abuse.<sup>71</sup> Deeply engrained discriminatory attitudes in this region against juvenile offenders further impair their reintegration into society.<sup>72</sup>

While the MACR remains low in South Asia, most states in this region have in recent years demonstrated willingness to take action in establishing more child-sensitive procedures through legislation. In some members of this bloc (notably Thailand and Papua New Guinea) the initial implementation of such legislation has been fairly successful. However, for most of these countries implementation is still a major challenge that will require further support.

### ***Eastern Europe***

*Albania, Bulgaria, Estonia, Russian Federation*

While in recent years some improvement has been made in this region, in most states juvenile justice systems are lacking. No state in this region has a sufficient, nation-wide prevention strategy for children at risk.<sup>73</sup> Children in conflict with the law are still widely mistreated. Children detained are often subject to beatings or torture, practices fostered by inadequate legislation. For example, police

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<sup>71</sup> Shelley Casey, "Q&A with Shelley Casey, UNICEF Child Protection Specialist: New Tactics for Juvenile Offenders," Interview, *UNICEF*, [http://www.unicef.org/eapro/media\\_6784.html](http://www.unicef.org/eapro/media_6784.html).

<sup>72</sup> Julie Bergeron, *Justice for Children: Detention as a Last Resort*, Bangkok, Thailand: UNICEF, 2013, [http://www.unicef.org/eapro/EAPRO\\_Best\\_Practices.pdf](http://www.unicef.org/eapro/EAPRO_Best_Practices.pdf).

<sup>73</sup> Dan O'Donnell, "UNICEF Children's Rights and Relief Organization," *United Nations' Children's Fund*, last modified 2013, [http://www.unicef.org/ceecis/EU\\_UNICEF\\_Juvenile\\_Justice\\_in\\_the\\_CEECIS](http://www.unicef.org/ceecis/EU_UNICEF_Juvenile_Justice_in_the_CEECIS).

are often authorized to question children without a court order and without the presence of a lawyer.<sup>74</sup>

In addition, while separate juvenile prisons that provide schooling are widespread, the necessary levels of education and availability of reintegration programs for children in these prisons are often lacking. Poverty, a lack of resources, corruption, and impunity all contribute to this region's continued punitive system of juvenile justice. Though the nations of this bloc may accept aid in order to relieve the state of poverty and lack of resources, agreeing to the associated UNICEF conditions and implementing these changes will be a larger challenge.

### ***Latin America and the Caribbean***

#### ***Antigua and Barbuda, Colombia, Cuba, Ecuador, Grenada, Guyana, Haiti, Panama***

Since their ratification of the Convention on the Rights of the Child in 1991, the nations of this bloc have in most cases created adequate and continually improving juvenile justice systems. Their willingness to cooperate has further allowed technical assistance, legislation, and professional training by UNICEF to create lasting change in these nations.

A notable example of transformation from a punitive to restorative justice system can be seen in Panama. Since 2001, the Tocumen Juvenile Correctional Centre has established a program that creates individual action plans designed to reintegrate every child back into society.<sup>75</sup> The value placed on education, as well as the availability of recreational and work opportunities, further serve to best reintegrate incarcerated children back into society. Many states in this region have, through similar actions, demonstrated a willingness to make dramatic changes to improve juvenile justice systems in coordination with UNICEF, and this bloc has an interest in continuing to do so.

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<sup>74</sup> Ibid.

<sup>75</sup> "Juvenile Justice Systems: Good Practices in Latin America," UNICEF, 2006, [http://www.unicef.org/lac/JUSTICIA\\_PENALingles.pdf](http://www.unicef.org/lac/JUSTICIA_PENALingles.pdf)

## ***Middle East and Africa***

*Benin, Central African Republic, Congo, Democratic Republic of, Djibouti, Egypt, Ethiopia, Gambia, Ghana, Iran, Kenya, Namibia, Nigeria, Pakistan, South Africa, Sudan, Uganda, Yemen, Zambia*

Political instability and a lack of resources in this region have led to widespread mistreatment of juveniles. While some nations (e.g. Egypt) of this bloc have taken action to reform their systems with the help of the United Nations Office on Drugs and Crime (UNODC), for the most part juvenile justice is not sufficiently addressed. Conditions of poverty and large areas of slums in urban areas only serve to heighten the likelihood of children engaging in criminal activity; Sub-Saharan Africa is the region with the highest percentage of its urban population living in slums,<sup>76</sup> a situation which creates conditions leading children to crime.

Furthermore, several nations in this region are traditionally highly punitive in their sentences. Since 2005, the only countries known to have executed juvenile offenders are Saudi Arabia, Sudan, Pakistan, Yemen, and Iran—Iran holds the highest rate of juvenile executions in the world.<sup>77</sup> These nations' deeply engrained customs of punitive justice will likely resist pressure from other nations to conform to restorative justice measures.

## ***North America; Western Europe; Australia & New Zealand; Japan & Republic of Korea***

*Andorra, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Korea, Republic of, Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom, United States of America*

Nearly all nations in this bloc have highly developed and effective juvenile justice systems that focus on restorative justice rather than punitive justice. As such, these nations will be likely to offer models and resources for prevention initiatives, efforts to better the reintegration of juvenile offenders into

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<sup>76</sup> "Fact Sheet on Juvenile Justice," *United Nations*, <http://www.un.org/esa/socdev/unyin/documents/wyr11/FactSheetonYouthandJuvenileJustice.pdf>

<sup>77</sup> "Iran: Rescind Execution Order of Juvenile Offender," *Human Rights Watch*, last modified July 6, 2010, , <http://www.hrw.org/news/2010/07/06/iran-rescind-execution-order-juvenile-offender>

society, and the like. For example, the European Juvenile Justice Observatory has promoted action programs to ensure that nations of the European Union are in line with international policies.<sup>78</sup>

The United States is somewhat an exception in this bloc due to its vastly more punitive treatment of juvenile offenders. While children are no longer eligible to be sentenced to the death penalty, they can be given life sentences. The United States is also one of only three countries that has yet to ratify the Convention on the Rights of the Child.

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<sup>78</sup> "Proposals and Recommendations," *European Juvenile Justice Observatory*, last modified 2014, <http://www.oejj.org/en/proposals-and-recommendations>.

## Glossary

**Convention on the Rights of the Child (CRC):** Enacted in 1990, first legally binding international treaty concerning human rights for children.

***Doli Incapax:*** The legal justification for the criminalization of youth who are younger than the minimum age of criminal responsibility but thought to be mentally aware of the crime they have committed

**Havana Guidelines:** Part of a series of foundational treaties concerning juvenile rights passed in the 1990s, which focuses on methods of securing rights for young offenders

**Juvenile:** A child who is treated differently than an adult for committing an offense under the law.

**Juvenile Offender:** A young person who has been charged with or found guilty of committing an offense.

**Minimum Age of Criminal Responsibility (MACR):** The lowest age at which a young person may be held responsibility for committing a crime under the law

**Offense:** Behavior that is punishable by a legal system.

**Penal System:** Process of punishing offenders under a legal structure

**Pre-trial detainment:** The act of holding an individual under the custody of law enforcement prior to the date of a trial

**Restorative Justice:** An alternative to penal system sentencing, which focuses instead on the rehabilitation of offenders and mediation between victims and offenders

**Riyadh Guidelines:** Part of a series of foundational treaties concerning juvenile rights passed in the 1990s, which focuses on the prevention of juvenile crime

**Status offence:** Crime that only those below a certain age can be charged with committing

**The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules):** Foundational document on juvenile justice enacted in 1985, which sought to address the economic and social needs of young offenders

**Vienna Guidelines:** Part of a series of foundational treaties concerning juvenile rights passed in the 1990s, which focuses on the methodology of administering action concerning juvenile offenders

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## TOPIC B: SOCIAL SERVICE INEQUALITIES FOR IMMIGRANT CHILDREN

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### Statement of the Problem

Migration has formed the basis of nation building for thousands of years. As states cope with difficult institutional and geographical problems, individuals often seek a better quality of life beyond their country's borders. Adjusting to new surroundings poses a great challenge for **migrants**, and this task is especially difficult for children.<sup>79</sup> While many states do provide excellent **social services** for immigrant children, vast improvement must be made in regions throughout the world. Strife-filled conditions of migration make it all the more difficult to align social service resources for immigrants with that of native inhabitants. Inconsistencies within healthcare, education, and housing for migrant children are then exacerbated in times of conflict and war. Furthermore, exorbitant costs set by state migration services sometimes allows only financially secure families to afford the cost of legal travel, others resorting to illegal means to emigrate.<sup>80</sup> With the far-reaching consequences of social service inequalities, UNICEF member nations must come together to protect the futures of marginalized migrant children.

As of late 2019, the United Nations Department of Economic and Social Affairs estimates that there are roughly 38 million international migrants aged 20 or below.<sup>81</sup> This is up from 33 million such migrants in 2013.<sup>82</sup> This amount comprises 16 percent of the world's entire migrant population.<sup>83</sup> Despite a massive increase in international resettlement, many states continue to limit policy to only curbing migration. Often, a lack of attention is paid to the development of young migrants, the majority of whom (34%) are adolescents, or those who are 15-19 years of age.<sup>84</sup> Extreme forms of

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<sup>79</sup> Stephanie Canizales, "Life for Child Immigrants is Harder Beyond the US Border," The Week, <http://theweek.com/article/index/266263/life-for-child-immigrants-is-even-harder-beyond-the-us-border>.

<sup>80</sup> Ibid.

<sup>81</sup> "The number of international migrants reaches 272 million, continuing an upward trend in all world regions, says UN." United Nations Department of Economic and Social Affairs. September 17, 2019. <https://www.un.org/development/desa/en/news/population/international-migrant-stock-2019.html>.

<sup>82</sup> MigrantInfo, "International Migration & GENERATION 2025," UNICEF, [http://www.unicef.org/socialpolicy/files/Population\\_Dynamics\\_and\\_Migration\(2\).pdf](http://www.unicef.org/socialpolicy/files/Population_Dynamics_and_Migration(2).pdf).

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

migrant discrimination exist, including preventing the official birth registration of children born to **undocumented** parents.<sup>85</sup> As government administrators channel their focus on the conditions surrounding migration, the economic and social well-being of migrant children can be neglected entirely.

Social services most often consist of access to education, healthcare, and housing. Young migrants, however, face difficulties in receiving the most basic of these services. The Convention on the Rights of the Child (CRC) references immigrant children. General Comment No. 6 maintains that all rights entitled to children native to a state must also be applied to immigrant children.<sup>86</sup> Furthermore, the CRC includes several stipulations that the international community must abide by in ensuring the protection of young migrants. It is important to note, however, that 60% of international migrants under the age of 20 live in developing countries.<sup>87</sup> As many developing nations battle with high birth rates and low life expectancies, it becomes an even greater task to account for the lives of immigrant children.<sup>88</sup> Member nations must consider such circumstances in developing solutions in accordance with the CRC.

Education plays a critical role within social services, and many complications concerning education arise with immigrant children. Young **unaccompanied migrants** with no adult observation have been shown to lack motivation to attend school.<sup>89</sup> With no parent or guardian present, some young migrants choose to work to sustain themselves, in lieu of obtaining an education. Financial difficulties thus pose a serious issue in ensuring the best quality of life for immigrant children. Furthermore, conditions of schools themselves create problems. Immigrant children sometimes face discrimination from teachers and students as a result of language barriers and financial challenges. School systems that place immigrants in remedial classes without proper testing are an example of

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<sup>85</sup> UNICEF and National University of Lanus, Argentina, "Economic and Social Rights of Migrant Children and Children Born to Migrant Parents: Challenges, Good Practices, and Recommendations," OHCHR, [http://www.ohchr.org/Documents/Issues/MHR/Consultation2010/3a,UNICEF\\_ESCR\\_Migrants.pdf](http://www.ohchr.org/Documents/Issues/MHR/Consultation2010/3a,UNICEF_ESCR_Migrants.pdf).

<sup>86</sup> OHCHR, "Convention on the Rights of the Child," Convention on the Rights of the Child, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>87</sup> United Nations Department of Economic and Social Affairs • Population Division, "International Migrants by Age," UNICEF, [http://www.unicef.org/socialpolicy/files/PDBrief\\_20106Oct22.pdf](http://www.unicef.org/socialpolicy/files/PDBrief_20106Oct22.pdf).

<sup>88</sup> MigrantInfo, "International Migration & GENERATION 2025," UNICEF, [http://www.unicef.org/socialpolicy/files/Population\\_Dynamics\\_and\\_Migration\(2\).pdf](http://www.unicef.org/socialpolicy/files/Population_Dynamics_and_Migration(2).pdf).

<sup>89</sup> Committee On the Rights of the Child, "The Rights of All Children in the Context of International Migration," UNICEF, [http://www.unicef.org/socialpolicy/files/2012\\_CRC\\_DGD\\_Background\\_Paper.pdf](http://www.unicef.org/socialpolicy/files/2012_CRC_DGD_Background_Paper.pdf).

such discrimination.<sup>90</sup> Undocumented children in particular face even more problems with education. Inability to prove residency, costs associated with schooling, and social stigma prevent undocumented migrants from both early childhood and higher education.<sup>91</sup>

Immigrant children also face inequality in health care provisions. While most nations permit emergency services for undocumented and documented immigrants, international discrepancies exist for what constitutes as urgent care.<sup>92</sup> Thus, migrant children are left to wait until their health worsens before they can seek aid. Furthermore, specific health care treatment is largely unavailable for undocumented immigrants. Chronic conditions thus receive little to no treatment. Many doctors do not want to take the financial risk of treating patients who are undocumented and consequently, unsecure in finances.<sup>93</sup> Lack of access to regular health services is a result of undocumented migrants being prohibited from acquiring health insurance. Such problems concerning health care for immigrant children are often due to vague health care policy and legislation concerning migrants.<sup>94</sup> UNICEF must thus work to address how state legislatures can effectively incorporate immigrant children into health care initiatives, especially in orienting policy to consider both documented and undocumented children.

In addition to education and health care issues, housing presents a major problem for immigrant children. Perhaps the most contentious aspect of housing for migrant children is the detention of young migrants upon arrival to their destination country.<sup>95</sup> Unaccompanied children are immediately placed in the custody of law enforcement and held within the confines of a prison-like environment

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<sup>90</sup> Committee On the Rights of the Child, "Access to Civil, Economic, and Social Rights for Children In the Context of Irregular Migration: Executive Summary," UNICEF, [http://www.unicef.org/socialpolicy/files/Access\\_to\\_Civil\\_Economic\\_and\\_Social\\_Rights\\_for\\_Children.pdf](http://www.unicef.org/socialpolicy/files/Access_to_Civil_Economic_and_Social_Rights_for_Children.pdf)

<sup>91</sup> UNICEF and National University of Lanus, Argentina, "Economic and Social Rights of Migrant Children and Children Born to Migrant Parents: Challenges, Good Practices, and Recommendations," UNICEF, [http://www.ohchr.org/documents/issues/mhr/consultation2010/3a.unicef\\_escr\\_migrants.pdf](http://www.ohchr.org/documents/issues/mhr/consultation2010/3a.unicef_escr_migrants.pdf)

<sup>92</sup> Committee On the Rights of the Child, "Access to Civil, Economic, and Social Rights for Children In the Context of Irregular Migration: Executive Summary," UNICEF, [http://www.unicef.org/socialpolicy/files/Access\\_to\\_Civil\\_Economic\\_and\\_Social\\_Rights\\_for\\_Children.pdf](http://www.unicef.org/socialpolicy/files/Access_to_Civil_Economic_and_Social_Rights_for_Children.pdf)

<sup>93</sup> Michael Aronowitz, "The Social and Emotional Adjustment of Immigrant Children: A Review of the Literature," *International Migration Review*, 18 (1984): 237-257.

<sup>94</sup> Ibid.

<sup>95</sup> Committee On the Rights of the Child, "Access to Civil, Economic, and Social Rights for Children In the Context of Irregular Migration: Executive Summary," UNICEF, [http://www.unicef.org/socialpolicy/files/Access\\_to\\_Civil\\_Economic\\_and\\_Social\\_Rights\\_for\\_Children.pdf](http://www.unicef.org/socialpolicy/files/Access_to_Civil_Economic_and_Social_Rights_for_Children.pdf).

for extensive stays.<sup>96</sup> Moving to homeless shelters does not allow unaccompanied children to fare any better, as shelters are sometimes already too crowded.<sup>97</sup> Additionally, shelter environments offer irregular access to proper food, hygiene, and education. Moving beyond public housing can lead to more troubles in the form of exuberant rent prices for substandard housing and an inability to find housing all together.<sup>98</sup> Migrant children often move from place to place due to the difficulty of securing permanent residency, the effects of which can be seen in their inability to obtain adequate health care and an education.

The state of the world's immigrant children carries numerous consequences for UNICEF member nations. In North America, nearly a quarter of the working class population is comprised of international migrants.<sup>99</sup> Furthermore, Africa and Asia continue to be the source of the majority of the world's migrants.<sup>100</sup> While many immigrants in these regions adjust well to their environments and find successful places in new countries, many others face a variety of post-migration issues. In addressing the matter of resources for migrant children, it is important to consider both state level and regional cooperation. Nations must communicate to ensure that young people crossing into and out of their borders are properly accounted for in their destination country; similarly, state government officials must be held responsible for the conditions of immigrants both living in and traveling in and out of their country's borders. Immigrant children grow to be successful and important parts of a country's society. Whether documented or undocumented, the CRC maintains that immigrant children be granted the same rights of native children.<sup>101</sup> It the duty of UNICEF to make sure that this goal is met.

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<sup>96</sup> Ibid.

<sup>97</sup> UNICEF and National University of Lanus, Argentina, "Economic and Social Rights of Migrant Children and Children Born to Migrant Parents: Challenges, Good Practices, and Recommendations," UNICEF, [http://www.unicef.org/socialpolicy/files/Access\\_to\\_Civil\\_Economic\\_and\\_Social\\_Rights\\_for\\_Children.pdf](http://www.unicef.org/socialpolicy/files/Access_to_Civil_Economic_and_Social_Rights_for_Children.pdf),

<sup>98</sup> Ibid.

<sup>99</sup> United Nations Department of Economic and Social Affairs • Population Division, "International Migrants by Age," [http://www.unicef.org/socialpolicy/files/PDBrief\\_20106Oct22.pdf](http://www.unicef.org/socialpolicy/files/PDBrief_20106Oct22.pdf)

<sup>100</sup> MigrantInfo, "International Migration & GENERATION 2025," UNICEF, [http://www.unicef.org/socialpolicy/files/Population\\_Dynamics\\_and\\_Migration\(2\).pdf](http://www.unicef.org/socialpolicy/files/Population_Dynamics_and_Migration(2).pdf).

<sup>101</sup> Committee on the Rights of the Child, "Report of the 2012 Day of General Discussion," Committee on the Rights of the Child, <http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf>

## History of the Problem

### *Immigrant Discrimination*

Discrimination toward migrants has plagued many nations since their inception. Both state-sanctioned and individually motivated mistreatment of migrant populations have carried serious consequences for migrant children. Consequently, young migrants' limited access to social services can be connected to a history of intolerance. **Xenophobia**, or the fear of foreigners, is a root cause of injustice towards young migrants.<sup>102</sup> Europe, Africa, and North America, in particular, have faced major problems concerning xenophobia. Obtaining an education, proper health care, and habitable housing is impeded by xenophobic behavior. Migrant children have historically faced racism, religious intolerance, and cultural discrimination in classrooms and their community, preventing their adjustment and stabilization in relocation countries.

One of the most wide-spanning occurrences of xenophobia exists throughout the continents of Europe and North America. In Europe, cases of xenophobia have troubled the continent for years. Following the rise of post-World War I fascism in the region, traditional right-wing parties have emerged, embracing old fascist ideology in promoting nationalism, racism, and the alienation of working class populations.<sup>103</sup> The creation of the Identity, Tradition, and Sovereignty (ITS) group within the European Parliament in 2007 marked official sentiments of immigrant racism that the EU is still working to solve.<sup>104</sup> Although the group was later disbanded, the party's promotion of immigrant intolerance remains representative of a larger problem in Europe, where anti-migrant sentiments receive government support. Starting in roughly 2014, Europe experienced an unprecedented amount of migration. As the Syrian Civil War worsened and conditions deteriorated in numerous other nations, millions of refugees attempted to enter Europe.<sup>105</sup> In 2015 alone, more than one million people attempted seek asylum in the European Union.<sup>106</sup> This pushed many

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<sup>102</sup> International Labor Office, "International Migration, Racism, Discrimination and Xenophobia," UNESCO, <http://www.unesco.org/most/migration/imrdx.pdf>

<sup>103</sup> UN Chronicle, "In the Wake of Xenophobia: The New Racism in Europe," The UN Chronicle, January 1, 2007, <http://unchronicle.un.org/article/wake-xenophobia-new-racism-europe/>

<sup>104</sup> Ibid.

<sup>105</sup> "Migrant crisis: Migration to Europe explained in seven charts." British Broadcasting Corporation. March 4, 2016. <https://www.bbc.com/news/world-europe-34131911>.

<sup>106</sup> Ibid.

European nations beyond their capabilities, particularly nations along the border of the EU, and drove a wave of resultant anti-migrant sentiment, which still affects migrants to the continent. The United States has experienced similar increases in migration, and a corresponding increase in immigration crackdown efforts in recent years. All of this has led to bitter political battles, and sometimes stigmatization of migrants in the western world.



Furthermore, several nations in Africa have struggled with the effects of colonization. Subsequent intolerance between ethnic groups and territories in Africa has prevented the development of migrant children in numerous instances. South Africa, for example, has had a long history of racial intolerance with **apartheid** struggles, or systematic segregation based on race. During May of 2008, foreign nationals in the country faced an extreme outbreak of violence. In the Western Cape and KwaZulu Natal Provinces, children were injured, starved, and displaced over racial intolerance.<sup>107</sup> Zimbabweans, Malawians and Mozambicans were forced to return to their home countries amidst the incredibly dangerous conditions in South Africa.<sup>108</sup> While countries have faced xenophobia in varying degrees, violent and politically tumultuous situations regarding immigration continue to arise throughout the globe. Throughout the entire continent of Africa, colonization has had far-reaching consequences for immigrant children.

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<sup>107</sup> "UNICEF Aids Victims of Xenophobic Violence in South Africa," UN News Center, <http://www.un.org/apps/news/story.asp?NewsID=26803#.VGQdTZPF-2Q>.

<sup>108</sup> BBC News, "South Africa Profile," BBC News, <http://www.bbc.com/news/world-africa-14094760>.

## ***Lack of Child Oriented Migration Policies***

Although the CRC maintains that the same rights that are granted to native-born children be granted to immigrant children, many nations have not abided by these standards.<sup>109</sup> With pressures surrounding immigration practices alone, a lack of attention has been paid to the circumstances of children who are living abroad, especially those without parents or official documentation.<sup>110</sup> As nations have focused solely on methods for preventing and controlling immigration, the thousands of young migrants in need of food, shelter, and an education have gone unnoticed. The majority of individuals of the global migrant population under 20 being adolescents of working age have posed an even greater problem. Instead of graduating high school and pursuing opportunities through higher education, immigrant children are often forced to forgo education and pursue work instead in order to keep themselves afloat.<sup>111</sup> Compared to their children, parents of immigrant children are even less likely to have graduated high school, making it more difficult for their children to receive help with homework and to navigate the college application process.<sup>112</sup>

Allocating funds for youth migrants and accounting for the well-being of undocumented children have been among the major policy issues for the improvement of social services for youth migrants.<sup>113</sup> Where laws do exist for the protection of young immigrants, funds are lacking for refugee programs, language assistance, and other such migrant centered organizations.<sup>114</sup> Consequently, immigrant children have found themselves without proper assistance in accessing social services. Over the last decade, an influx of thousands of Latino immigrants in the city of Manassas, Virginia has left both residents and migrant youth discontent with the legislature.<sup>115</sup> Since protests in 2007, racial hostilities have caused angry residents to suggest deportation. Additionally,

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<sup>109</sup> OHCHR, "Convention on the Rights of the Child," Convention on the Rights of the Child, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>110</sup> UNICEF and National University of Lanus, Argentina, "Economic and Social Rights of Migrant Children and Children Born to Migrant Parents: Challenges, Good Practices, and Recommendations," UNICEF, [http://www.ohchr.org/documents/issues/mhr/consultation2010/3a.unicef\\_escr\\_migrants.pdf](http://www.ohchr.org/documents/issues/mhr/consultation2010/3a.unicef_escr_migrants.pdf)

<sup>111</sup> Ibid.

<sup>112</sup> Margie Shields and Richard Behrman, "Journal Issue: Children of Immigrant Families," Princeton University, <http://www.princeton.edu/futureofchildren/publications/journals/article/index.xml?journalid=39&articleid=123>,

<sup>113</sup> Sasha Ingber, "Undocumented Children Fuel New Tension on Immigration in Virginia," National Geographic, <http://news.nationalgeographic.com/news/2014/08/140814-immigration-children-manassas-prince-william-county-hispanics-anti-immigrant/>

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

numerous Latino youth have struggled to find classroom space to learn to read English.<sup>116</sup> As teachers in the community made efforts to teach these students, mass government budget cuts for refugee programs did not help these matters.<sup>117</sup> Japan has also faced similar immigration policy issues. In the case of the near 2 million Japanese migrants, however, police brutality, racism, and a lack of judicial intervention have caused dissent in the country.<sup>118</sup> As a result, major discrepancies in the treatment of Japanese nationals and foreigners are a source of great contention in the country.<sup>119</sup>

Hence, as nations struggle with issues of racism, xenophobia, and legislative negligence, the plight of immigrant children remains dire. Discrimination on the part of residents and government officials is intertwined with substandard immigration policy. Nevertheless, the United Nations has continuously worked with state governments and NGOs to ensure that the rights of immigrant youth are being met. Despite tense situations of violence and discrimination regarding immigration, several steps have been taken to protect young migrants.

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<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> "A Nation's Bouncers," *The Economist*, May 13, 2010, <http://www.economist.com/node/16113280>

<sup>119</sup> Ibid.

## Past Actions

In response to increasing tensions concerning the topic of migrant children, the United Nations, state governments, and NGOs have made attempts to protect the interests of these children. Collaboration on the part of the aforementioned parties has been critical to the effectiveness of all action concerning immigrant children, for migration is a process involving multiple actors. UNICEF has emphasized the 1990 Convention on the Rights of the Child (CRC) as crucial international policy regarding immigrant children.<sup>120</sup> Consequently, UNICEF has cited the CRC in advising state officials against action that would harm young migrants.<sup>121</sup> Furthermore, UNICEF has produced significant data and numerous reports on the topic of migration, in collaboration with UN bodies such as the UNHCR and UNDP as part of a creation entitled **Migration Profiles Common Set of Indicators**.<sup>122</sup> With the additional help of NGOs, in projects such as the **Global Migration Group**, the international community has further rallied together for the advancement of social services to immigrant children.

As global migration has continued to increase over the decades, the United Nations has made more concentrated attempts to encourage the cooperation of state actors on this topic.<sup>123</sup> Consequently, significant action taken towards aiding immigrant children has occurred only within the last two decades. With the exception of the CRC, UNICEF and its partners have not made great strides in addressing the social service needs of young immigrants prior to 2003.<sup>124</sup> However, of the progress made by the United Nations, the CRC has been a great influence. During the 2012 Day of General Discussion of the Committee on the Rights of the Child, member nations sought to discuss the CRC in the context of migration for children.<sup>125</sup> The subjects of irregular migration and protection for young migrants and their families were the main issues of debate. Committee members concluded that rash favor of detention and deportation on behalf of state parties significantly hinders the

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<sup>120</sup> UNICEF, "UNICEF and Migration," UNICEF, [http://www.unicef.org/socialpolicy/index\\_migration.html](http://www.unicef.org/socialpolicy/index_migration.html)

<sup>121</sup> Ibid.

<sup>122</sup> Population Division Migration Section, "Migration Profiles Common Set of Indicators," UNICEF, <http://esa.un.org/MigGMGProfiles/MPCSI.htm>

<sup>123</sup> UNICEF, "UNICEF and Migration," UNICEF, [http://www.unicef.org/socialpolicy/index\\_migration.html](http://www.unicef.org/socialpolicy/index_migration.html)

<sup>124</sup> UNICEF, "Documents and Tools: Migration," UNICEF, [http://www.unicef.org/socialpolicy/index\\_43139.html](http://www.unicef.org/socialpolicy/index_43139.html)

<sup>125</sup> Committee on the Rights of the Child, "The Rights of all Children in the Context of International Migration," UNICEF, <http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/DGD2012Outline.pdf>

development of young immigrants and their families.<sup>126</sup> Furthermore, children must be granted access to basic social services, regardless of their parents' official legal status.<sup>127</sup> Overall, discussion was focused on ensuring that immigrant children are afforded the opportunity to access civil, economic, and social resources through less-restrictive migration policy.<sup>128</sup> Specifically, concern centered on birth registration, education, housing, and social and economic protection.

Together with UNICEF initiated action, UN agencies have come together to address immigration in endeavors such as the Global Migration Group (GMG). The Global Migration Group was formed by the United Nations in 2006; it is comprised of UN organizations such as UNICEF and United Nations High Commissioner for Refugees (UNHCR), as well as other international partners, including the World Bank.<sup>129</sup> This organization works to ensure that steps to improve the treatment of international migrants are handled from a both a global and regional standpoint.<sup>130</sup> In 2010, the Global Migration Group published a handbook with practices and guidelines for policy makers concerning migration. Included within the GMG's recommendations were suggestions for governments on how to ensure that the voice of immigrant children and their families are heard during adjustments to relocation countries.<sup>131</sup> This was suggested through lobbying and contact with representatives, especially in accounting for the child's access to healthcare and schooling.<sup>132</sup> Many nations have made efforts to employ these suggestions, action ranging from local to statewide implementation. At the 2012 Day of General Discussion, CRC member nations addressed good practices being undertaken to address social service rights for immigrant children. Many Latin American countries, in particular, have made great strides in adopting stronger human rights laws for child migrants. Ecuador, for example, created the Establishment of National Ministry for Migrants in 2007 and has also made concrete efforts to place employment rights for migrant youth

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<sup>126</sup> UNICEF, "Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration - UNICEF Written Submission to the 2012 Day of General Discussion of the Committee on the Rights of the Child," UNICEF, [http://www.unicef.org/socialpolicy/files/Access\\_to\\_Civil\\_Economic\\_and\\_Social\\_Rights\\_for\\_Children.pdf](http://www.unicef.org/socialpolicy/files/Access_to_Civil_Economic_and_Social_Rights_for_Children.pdf)

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Global Migration Group, "Mainstreaming Migration into Development Planning A Handbook for Policy-makers and Practitioners," UNICEF, [http://www.unicef.org/socialpolicy/files/GMG\\_Mainstreaming\\_Migration\\_Handbook\\_Final\\_Nov\\_2010.pdf](http://www.unicef.org/socialpolicy/files/GMG_Mainstreaming_Migration_Handbook_Final_Nov_2010.pdf) January 1, 2010

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

into public policy.<sup>133</sup> UNICEF and the United Nations Development Program, among other international organizations, have noted this.<sup>134</sup> Similar in scope to the GMP, the Center for Global Development also works to make improvements in conditions of international migration for children. The group works with NGOs, state officials, and persons in academia. In 2009, the organization published *Migrants Count: Five Steps Toward Better International Migration Data* in an effort to improve the availability of information in addressing issues of migration.<sup>135</sup> UNICEF has further promoted the document as part of significant series of work made concerning child migration. All of these actions have been a larger part of a joint collaboration between UNICEF, the UN Population Division, and the University of Houston to secure the rights of the 2025-generation of young migrants.

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<sup>133</sup> Global Migration Group, "Examples of Positive Developments for the Rights of Children in the Context of International Migration: 2012 Day of General Discussion of the Committee on the Rights of the Child," UNICEF, <http://www.globalmigrationgroup.org/sites/default/files/uploads/gmg-topics/children/Examples-of-Positive-Developments-Childrens-Rights-in-the-Context-of-Migration.pdf> January 1, 2012

<sup>134</sup> Ibid.

<sup>135</sup> Patricia Santo Tomas and Lawrence Summers, "Migrants Count: Five Steps Toward Better Migration Data," Center for Global Development

## Possible Solutions

Despite efforts made by the United Nations and civil society partners on improving social services for immigrant children, several options remain open for how to best meet the needs of young migrants. The issues that face immigrant children are multi-faceted, involving a realm of social and economic factors that range from health care to education concerns. Thus, the UNICEF committee is tasked with developing solutions that appropriately incorporate multiple spheres of local, national, and international groups in aiding young immigrants. In particular, changes in policy have been suggested as key areas for assisting migrants, largely in regard to funding allocations for immigrant-centered programs. Furthermore, expanded outreach and communication remains crucial for creating a safe space for immigrant children and their families to express their needs to the government.



Improving legislative policy concerning young migrants continues to be a major focal point of child advocacy groups. Of the several problems that immigrant children face, many issues arise before the child has even settled in the country. Prohibiting immigrant parents from obtaining birth certificates for children born in destination countries is one such issue England and nations with like

circumstances must contemplate the effect this treatment can have on the lives of immigrant children, especially in terms of applying to college and seeking jobs. Furthermore, the immediate placement of young undocumented migrants into detention centers is also thought to be preventable through protection under the law. Again, "Economic and Social Rights of Migrant Children and Children Born to Migrant Parents: Challenges, Good Practices, and Recommendations" suggests that state legislatures outline a process for the handling of young children who do not have proper documentation.<sup>136</sup> Such a procedure would include allowing children to remain with their families, providing the child and parents with access to legal counsel, and ensuring that they are given basic accommodations. However, it is important to note that this may be more difficult in less developed countries. Many nations do not have the resources available to account for basic immigrant services. Additionally, countries may not have well-developed legal system that can handle such a procedure. Nevertheless, it is key that careful measures are taken to account for the well-being of young immigrants upon arrival to destination or transit countries; settling into to an unfamiliar environment can be daunting, costly, and especially dangerous for children.

Additionally, several steps must be taken to address the education and healthcare needs of young immigrants while they reside in foreign lands. Lack of funding for **English for Speakers of Other Languages (ESOL)** programs and rising costs for public preschools remain large concerns for the early development of immigrant children in nations like the United States.<sup>137</sup> UNICEF member nations should formulate ideas as to how local governments can pool resources to support the education of young migrants. The CRC relates that children of undocumented children not be denied the right to an education equal to that of native inhabitants.<sup>138</sup> In the same regard, the UN must continue to work to ensure that immigrant children are seen at hospitals, given necessary vaccinations, and are applicable for healthcare. Individual nations must also outline the

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<sup>136</sup> UNICEF and National University of Lanus, Argentina, "Economic and Social Rights of Migrant Children and Children Born to Migrant Parents: Challenges, Good Practices, and Recommendations," UNICEF, [http://www.ohchr.org/Documents/Issues/MHR/Consultation2010/3a,UNICEF\\_ESCR\\_Migrants.pdf](http://www.ohchr.org/Documents/Issues/MHR/Consultation2010/3a,UNICEF_ESCR_Migrants.pdf).

<sup>137</sup> Sasha Ingber, "Undocumented Children Fuel New Tension on Immigration in Virginia," National Geographic, <http://news.nationalgeographic.com/news/2014/08/140814-immigration-children-manassas-prince-william-county-hispanics-anti-immigrant/>.

<sup>138</sup> OHCHR, "Convention on the Rights of the Child," Convention on the Rights of the Child, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

responsibilities of physicians in dealing with undocumented children without healthcare. Denying care for such individuals is considered the least preferred method of action.

Methods of accounting for the housing, educational, and health care well being of young immigrants can take more structured forms. One manner involves equipping national and local immigrant institutions with sufficient human and financial resources.<sup>139</sup> With more personnel, migrant centered organizations can better account for the thousands of immigrants that may live in a region. Although this method may incur high costs, it is crucial that local governments and regional coalitions allocate some amount of funds for this purpose. In situations where developing nations cannot afford such an endeavor, a regional effort to account for the well-being of migrants may be incredibly beneficial to all bordering countries. However, it is also necessary to note that communication with local officials and legislature is necessary in achieving this goal. These individuals have the capability to enact policies regarding migrants as well as to bring nations together for the purpose of addressing issues pertinent to immigration. Furthermore, data gathering and analysis is especially key to ameliorating issues affecting young migrants.

With such methods, proper tools can be put in evaluate migrant treatment in order for appropriate responses to be developed.<sup>140</sup> Data collection must take place in multiple levels of government. It is just as critical that local governments account for the conditions of migrants in a small city, as it is that UNICEF and its member nations work to ensure the safety of wider spanning regional bodies. Various methodologies must be employed by UNICEF and its supporters in order to effectively provide migrant youth with social services. In all cases, nations must consider how resources will be made available to migrant youth, how these resources will be acquired, and who will seek to benefit from what can be provided by the United Nations and its collaborators in the goal of ceasing social service inequalities for immigrant children.

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<sup>139</sup> Global Migration Group, "Mainstreaming Migration into Development Planning A Handbook for Policy-makers and Practitioners," UNICEF, [http://www.unicef.org/socialpolicy/files/GMG\\_Mainstreaming\\_Migration\\_Handbook\\_Final\\_Nov\\_2010.pdf](http://www.unicef.org/socialpolicy/files/GMG_Mainstreaming_Migration_Handbook_Final_Nov_2010.pdf) January 1, 2010

<sup>140</sup> Ibid.

## Bloc Positions

### ***North America; Europe; Australia & New Zealand; Japan & Republic of Korea***

*Albania, Andorra, Austria, Australia, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, France, Germany, Italy, Japan, Korea, Republic of, Netherlands, New Zealand, Norway, Russian Federation, Spain, Sweden, United Kingdom, United States of America*

In many of these developed nations, migrant children face a lack of equal access to many social services, a problem often exacerbated by xenophobia. Services for migrants are also closely related to the barriers to legal entry in the first place; a majority of the nations in this bloc have severe migration control and deportation policies, and the services available to migrant children are therefore similarly restricted. In recent years, however, these nations' treatment of migrant children in particular has improved. Belgium, France, Italy, and the Netherlands have all passed legislation regarding access to social rights and healthcare for all migrant children regardless of their immigration status.<sup>141</sup> The European Committee for Social Rights and some non-European nations in this bloc have also recognized the right to housing and healthcare for undocumented migrants, particularly children.<sup>142</sup> However, the full implementation of such principles is often lacking and moreover does not encompass education.

While this bloc typically demonstrates a strong commitment to human rights, many significant improvements remain to be made in providing for the needs of migrants, and even migrant children still lack several necessary protections. Most nations of this bloc are likely to strongly support providing at least some basic human rights protections for migrants (the Russian Federation would be a notable exception). However, xenophobic tendencies in some other nations, for example the United States, and countries in Europe most affected by the migrant crisis, may also generate resistance to any major changes in areas such as education.

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<sup>141</sup> "Examples of Positive Developments for the Rights of Children in the Context of International Migration," Committee on the Rights of the Child, 2012, [http://www.unicef.org/socialpolicy/files/Examples\\_of\\_positive\\_developments\\_for\\_the\\_rights\\_of\\_children\\_in\\_the\\_context\\_of\\_international\\_migration.pdf](http://www.unicef.org/socialpolicy/files/Examples_of_positive_developments_for_the_rights_of_children_in_the_context_of_international_migration.pdf)

<sup>142</sup> Ibid.

## ***Asia and Asia-Pacific (excluding the aforementioned)***

*China, People's Republic of, India, Indonesia, Mongolia, Pakistan, Papua New Guinea, Thailand*

The policies of this bloc towards migrants and migrant children tend to be severely lacking in the provision of social services. In context, the social services provided in these nations are already less comprehensive in general than those in the bloc discussed above, and this bloc would thus naturally be more challenged in providing such services to migrant children as well. Some instances of xenophobia can be seen in this bloc as well. For example, despite its obligation to protect refugees, China regularly labels North Korean migrants as illegal economic aliens and routinely repatriates them.<sup>143</sup>

A notable exception to the typical lack of support for migrant children in this bloc is Thailand. In 2005, Thailand decided to create universal access to education regardless of the status of the child.<sup>144</sup> While most nations in this bloc will likely be willing to accept the principles set forth on providing for child migrants, they will also need incentives to do so and demand clear support to create programs bettering social services for migrant youth.

## ***Latin America and the Caribbean***

*Antigua and Barbuda, Colombia, Cuba, Ecuador, Grenada, Guyana, Haiti, Panama*

Though the most heavily trafficked migrant corridor in the world is located in Latin America,<sup>145</sup> many countries in this region have progressive and successful policies in place to provide for migrant youth. The Inter-American Court on Human Rights has played a central role in standardizing such expectations of policies to treat migrants in accordance with international human rights standards throughout the region. For example, the court has upheld the right to a name and nationality for

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<sup>143</sup> "North Korea Events of 2009," *Human Rights Watch*, <http://www.hrw.org/world-report-2010/north-korea>

<sup>144</sup> "Examples of Positive Developments for the Rights of Children in the Context of International Migration," Committee on the Rights of the Child, 2012, [http://www.unicef.org/socialpolicy/files/Examples\\_of\\_positive\\_developments\\_for\\_the\\_rights\\_of\\_children\\_in\\_the\\_context\\_of\\_international\\_migration.pdf](http://www.unicef.org/socialpolicy/files/Examples_of_positive_developments_for_the_rights_of_children_in_the_context_of_international_migration.pdf)

<sup>145</sup> "UNICEF TACRO Regional Annual Report," *UNICEF TACRO*, 2010, [http://www.unicef.org/lac/2010\\_TACRO\\_RAR\\_FINAL.pdf](http://www.unicef.org/lac/2010_TACRO_RAR_FINAL.pdf)

children born to migrant parents in countries of destination; prohibited criminalization of irregular migration; and upheld family reunification as highly important to migrant children.<sup>146</sup> While these provisions still fall short of ensuring such services as healthcare and education to all migrant children, such policies build the foundation for these next steps and demonstrate the willingness of nations in this bloc to work proactively for better treatment of migrant children. Nations in this bloc are thus interested in pursuing programs and policies directed toward support for migrant children, including healthcare, education, and any other social service initiatives that would be economically feasible.

### ***Middle East and Africa***

*Benin, Central African Republic, Congo, Democratic Republic of, Djibouti, Egypt, Ethiopia, Gambia, Ghana, Iran, Kenya, Namibia, Nigeria, South Africa, Sudan, Uganda, Yemen, Zambia*

The political instability in these nations leads to highly volatile situations with large numbers of migrants throughout the region. These nations' concerns will not focus primarily on the provision of healthcare or education to migrant children, as such services are not commonly sufficiently stable. Rather, ensuring basic provisions would be the first goal. In South Africa, protocols were drafted that included guidelines on providing for the care and protection of unaccompanied or separated children.<sup>147</sup> In much of this region, such basic provisions as prohibiting the detention of children do not even exist. For example, in Yemen (a major transit route for migrants attempting to enter Saudi Arabia), minors caught in Saudi Arabia are often detained on both sides of the border under extremely harsh and sometimes unsafe circumstances.<sup>148</sup> Such situations demonstrate that the focus of nations in this region will be first and foremost on developing these essential social service provisions for children.

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<sup>146</sup> "Examples of Positive Developments for the Rights of Children in the Context of International Migration," Committee on the Rights of the Child, 2012, [http://www.unicef.org/socialpolicy/files/Examples\\_of\\_positive\\_developments\\_for\\_the\\_rights\\_of\\_children\\_in\\_the\\_context\\_of\\_international\\_migration.pdf](http://www.unicef.org/socialpolicy/files/Examples_of_positive_developments_for_the_rights_of_children_in_the_context_of_international_migration.pdf)

<sup>147</sup> Ibid.

<sup>148</sup> Sveinn H. Gudmarsen, "UNICEF Advocates for the Rights of Young African Migrants Stranded in Yemen." *UNICEF*. February 1, 2011, [http://www.unicef.org/infobycountry/yemen\\_57587.html](http://www.unicef.org/infobycountry/yemen_57587.html)

## Glossary

**Apartheid:** Systematic segregation and discrimination based on race

**Border Patrol:** Officials sent to keep watch over a nation's borders, especially to prevent the passing of undocumented migrants and dangerous persons

**English for Speakers of Other Languages (ESOL):** A program that teaches English to those who speak a native language other than English but live in English-speaking countries

**Global Migration Group:** A United Nations initiative to methodically account for the conditions of immigrants across various regions of the world

**Migrant:** A person who moves from place to place

**Migration Profiles Common Set of Indicators:** A method of collecting immigration data and statistics by UNICEF, the UNDP, and other UN bodies and partners

**Social Services:** Government services provided for individuals within a community, including healthcare, education, and housing benefits

**Undocumented Immigrant:** An individual without government recognized status of lawful visitation or residency in a country

**Unaccompanied Minor:** Child without the presence of a legal guardian

**Xenophobia:** The fear of foreigners, often resulting in discriminatory behavior and action

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