

# Protecting Children On the Move:

Understanding and Addressing the Risks of Abuse,  
Exploitation, and Going Missing during Migration



International Centre™  
FOR MISSING & EXPLOITED CHILDREN

ICMEC envisions a world where children can grow up safe from exploitation, abuse, or the risk of going missing. We believe every child deserves a safe childhood.

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*ICMEC extends its continuing gratitude to Jeff and Justine Koons for their unwavering support for our mission.*

# About Us

**The International Centre for Missing & Exploited Children (ICMEC)** is a non-governmental organization, headquartered in the United States, with offices representing Asia Pacific, Latin America & the Caribbean, and Australia. ICMEC works to make the world a safer place for children by defending against child sexual exploitation, abuse, and the risk of going missing. ICMEC works with partners around the world to develop research, technologies, and educational resources to aid in the search and recovery of children who are missing, fight child sexual exploitation, and empower caring professionals, institutions, and communities to safeguard children from all forms of sexual abuse.

**The Koons Family Institute on International Law & Policy (The Koons Family Institute)** is ICMEC's in-house research arm. The Koons Family Institute defends children against sexual exploitation, abuse, or risk of going missing on multiple fronts by conducting and commissioning original research into the status of child protection laws around the world, creating replicable legal tools, promoting best practices, bringing together great thinkers and opinion leaders, and collaborating with partners to identify and measure threats to children and ways ICMEC can advocate change.

## Our Mission

ICMEC envisions a world where children can grow up safe from exploitation, abuse, or the risk of going missing. We believe every child deserves a safe childhood.

ICMEC's mission is to advance child protection and safeguard vulnerable children around the world. We do this by:

- building and improving systems to prevent and respond to cases of missing children, child sexual exploitation, or abuse;
- advocating for enhanced laws and policies;
- mobilizing industries to secure their technologies and platforms from becoming vehicles for abuse and exploitation;
- providing tools and training for criminal justice professionals to effectively investigate and prosecute cases of exploitation, abuse or children who are missing;
- safeguarding school environments; and
- empowering healthcare professionals to recognize and respond to cases of child abuse and exploitation.

ICMEC is committed to building comprehensive national prevention strategies and responses to cases of missing children, child sexual abuse and exploitation. We foster systemic change through thought leadership and research, capacity building, convening regional technology and financial coalitions, and acting as a partner in implementation efforts to keep children safe. ICMEC strives to influence and inspire the global community – regardless of country, industry, sector, or profession – to achieve the common goal of building a safer world for all children.



# Acknowledgements

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*Points of view and opinions presented in this publication are those of the International Centre for Missing & Exploited Children and do not necessarily represent the official position or policies of the other organizations and individuals who assisted with or funded the research.*

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# Foreword

For more than two decades, ICMEC has understood that protecting children is a societal imperative that requires a multisectoral response within nations, across regions, and globally. We have worked to help others recognize this imperative and take action, and we appreciate the progress of recent years as organizations and institutions around the world have come together in collaborative efforts to address the challenges of child migration. Real progress has been made with the UN General Assembly adopting the Global Compact for Safe, Orderly and Regular Migration (Dec. 2018), the growing use of tools like ICMEC's GMCN<sup>gine</sup>™ to search for and locate missing children, and recent recommendations made by the International Federation of Red Cross and Red Crescent Societies (IFRC), the Organisation for Economic Cooperation and Development (OECD), and various UN entities such as the International Organization for Migration (IOM), United Nations Children's Fund (UNICEF), and United Nations High Commissioner for Refugees (UNHCR). At the same time, however, we must acknowledge that the response to the needs of children on the move have not gone far enough to ensure their safety. We recognize the need to develop ever stronger laws, policies, tools, and mechanisms; to increase the efficiency and effectiveness of coordination across sectors; and to promote the value of sharing ideas, perspectives, and best practices to positively influence child protection responses around the world.

Over the past 15 years, ICMEC's Koons Family Institute on International Law & Policy has worked to address numerous child protection issues through the development of tools and resources that facilitate greater awareness and improve capacity of policymakers, child-serving professionals, and the public worldwide. Today, with the publication of ***Protecting Children on the Move: Understanding and Addressing the Risks of Abuse, Exploitation, and Going Missing during Migration***, we hope to provide even greater insight to the ongoing and ever-evolving issue of child migration and the risks children face throughout their journeys.

Migration is occurring every day around the world for a variety of reasons. Children—accompanied and unaccompanied—are typically among the migrating populations and often even make up the majority of migrant groups. Their lack of maturity and education, as well as vulnerabilities related to their ongoing physical and psychological development, predispose them to an increased risk of exploitation and to going missing prior to, during, and after their migratory journeys. It is vital to develop a targeted and comprehensive approach that recognizes the inherent differences between adult and child migrants. In addition to creating child-centered approaches and protections, we must be mindful of differences, such as gender identity and sexual orientation, within the child migrant population. Lastly, and most critically, all safeguards must be accompanied by a level of accountability across a wide range of stakeholders to ensure that the necessary systems and policies that are developed are also properly implemented and enforced.

While research for this report was completed prior to the start of the ongoing conflict in Ukraine, we cannot stress enough how important this moment is to shed light on the risks faced by children who are forced to migrate whether because of armed conflict, natural disaster, or any other reason. As reports circulate around the world and organizations on the ground mobilize to create evacuation routes and migrant reception centers, it is imperative that we remember that throughout all the

conflict and political turmoil, there are thousands of children being displaced and/or forced into migration. Large scale events such as what is unfolding have caused migratory patterns like this in the past, and unfortunately, Ukraine is currently a poignant example of the very real dangers children experience prior to, during, and upon completion of their migratory journey.

ICMEC aims to encourage cross-sector, cross-industry collaboration and engagement; promote ongoing training and education of healthcare professionals, educators, border personnel, and other key stakeholders; and encourage the provision of safe spaces for children regardless of their migrant status to ensure their basic rights are being upheld. With the proper resources, partnerships, and tools in place, migrant children will have a better chance of living healthier and safer lives. We hope this report will draw attention to the vulnerabilities of children in all stages of migration, will highlight children as a global priority for the attention and protection of governments and organizations around the world, and, through the recommendations provided, will offer guidance for addressing the challenges of keeping children safe during their journeys.

A handwritten signature in black ink, appearing to read "Bob Cunningham". The signature is fluid and cursive, with a prominent initial "B".

*Bob Cunningham, President & CEO*  
ICMEC

# Executive Summary

In recent years, the growth in the prevalence of human migration around the world has become a topic of increasing interest. Migration can be described as a phenomenon in which individuals have, by choice or force, left their place of residence to resettle in other areas, either within their home country or across international borders. The decision-making process for individuals to emigrate from their home country can vary immensely depending on several factors. These include the pursuance of better educational or financial opportunities, as well as negative external forces such as extreme poverty, armed conflict, or natural disasters. Regardless of the reason for migration, it is important to note that children, whether or not they are accompanied, are particularly vulnerable to the dangers that arise in their migratory journeys.

It is imperative for countries to consider adopting, and fully enforcing, systems, strategies, and legislation that serve and protect the best interests of migrating youth. Such tools should place an emphasis on preventative and protective measures to mitigate the likelihood of child exploitation. This is especially true as young people, accompanied and unaccompanied alike, face the possibility of going missing or becoming victims of sexual or other forms of exploitation as they are on the move because they are forced to use irregular paths of migration and often to rely on individuals with the capacity to overpower and take advantage of them (i.e., smugglers and traffickers) to assist them in reaching their intended destination.

While this paper focuses specifically on the risks to children of going missing and sexual exploitation during migration, we acknowledge that children face many dangers including the risk of labor exploitation during their journey and systems to protect them from all forms of abuse and exploitation should be considered. The recommendations set forth in this paper are not intended to dismiss the hard work already being done to help children throughout their migrant journey; rather, they are intended to emphasize the key ways to help keep migrant children safer. With that goal in mind, this paper will highlight the extreme vulnerabilities that children on the move typically experience throughout their journeys, which ultimately harm their physical, mental, and educational development. In addition, this paper will call attention to...

**...harmful institutions and policies that increase the likelihood of sexual exploitation including detention centers and family separation.**

Finally, a discussion of existing legislation and recommendations from various organizations and key stakeholders will allow countries to not only understand the urgency and concern over sexual exploitation of children on the move, but also...

**...how forcibly removing children from their primary caregivers contributes to the exacerbation of this crisis.**



# Glossary of Terms

There are numerous terms frequently used in discussions related to migration. Below is a list of core terms, primarily as presented by the International Organization for Migration (IOM), that are important to understand when discussing this issue in relation to children on the move.

- **Asylum Seeker**

An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided by the country in which he or she has requested asylum. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.<sup>1</sup>

- **Best Interests of the Child (principle of)**

The best interests of the child is a threefold concept: (a) a substantive right: The right of the child to have his or her best interests assessed and taken as a primary consideration... and the guarantee that this right will be implemented whenever a decision is to be made concerning a child..., (b) a fundamental, interpretative legal principle: If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen..., and (c) a rule of procedure: Whenever a decision is to be made that will affect a... child, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned....<sup>2</sup>

- **Child**

Every human being below the age of eighteen (18) years unless, under the law applicable to the child, majority is attained earlier, as defined by Article 1 of the UN Convention on the Rights of the Child.<sup>3</sup>

- **Child Abduction**

The removal or retention of a child in breach of custody rights attributed to a person, an institution, or any other body, either jointly or alone, under the law of the State in which the child is habitually resident or was habitually resident immediately before the removal or retention.<sup>4</sup>

- **Child Exploitation**

The act of taking advantage of a child, including through economic exploitation and any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development exploitation for illicit drug production and trafficking; sexual exploitation and sexual abuse, specifically the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic

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<sup>1</sup> International Organization for Migration (IOM), *Glossary on Migration* 14, 2019, at <https://www.iom.int/glossary-migration-2019> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>2</sup> *Id.* at 15.

<sup>3</sup> *Id.* at 27.

<sup>4</sup> *Id.* at 27.

performances and materials; and the abduction of, sale of or traffic in children, or any other forms of child exploitation.<sup>5</sup>

- **Drivers of Migration**

A complex set of interlinking factors that influence an individual, family, or population group's decisions relating to migration, including displacement.<sup>6</sup>

- **Forced Migration**

A migratory movement that, although the drivers can be diverse, involves force, compulsion, or coercion.<sup>7</sup>

- **Gender-Based Violence**

Persecution that targets or disproportionately affects a particular gender. Under certain factual circumstances, gender-related persecution may come within the refugee definition.<sup>8</sup>

- **Internally Displaced Person (IDP)**

A person or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.<sup>9</sup>

- **Migrant**

There is no universal, legal definition of a *migrant*. It is a neutral term used to describe a group of people who have in common a lack of citizenship attachment to their host country.<sup>10</sup> The term reflects the common understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.<sup>11</sup>

- **Migration**

The movement of persons away from their place of usual residence, either across an international border or within a State.<sup>12</sup>

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<sup>5</sup> *Id.* at 28.

<sup>6</sup> *Id.* at 58.

<sup>7</sup> *Id.* at 77.

<sup>8</sup> *Id.* at 83.

<sup>9</sup> *Id.* at 109.

<sup>10</sup> Office of the UN High Commissioner for Human Rights, *Differentiation between migrants and refugees*, at <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/MigrantsAndRefugees.pdf> (last visited Feb. 3, 2022).

<sup>11</sup> IOM, Glossary on Migration, *supra* note 1, at 132.

<sup>12</sup> *Id.* at 137.

- **Migration Crisis**

The complex and often large-scale migration flows, and mobility patterns caused by a crisis which typically involve significant vulnerabilities for individuals and affected communities and generate acute and longer-term migration management challenges. A migration crisis may be sudden or slow in onset, can have natural or man-made causes, and can take place internally or across borders.<sup>13</sup>

- **Push-Pull Factors**

A model categorizing the drivers of migration into push and pull factors, whereby push factors are those which drive people to leave their country and pull factors are those attracting them into the country of destination.<sup>14</sup>

- **Refugee**

A person who meets the eligibility criteria under the applicable definition of *refugee*, as provided for in international or regional refugee instruments, under the mandate of the UN High Commissioner for Refugees (UNHCR), and/or in national legislation.<sup>15</sup>

- **Resettlement**

The transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them. The refugees will usually be granted asylum or some other form of long-term resident rights and, in many cases, will have the opportunity to become naturalized citizens. For this reason, resettlement is a durable solution as well as a tool for the protection of refugees. It is also a practical example of international burden- and responsibility-sharing.<sup>16</sup>

- **Resiliency**

The ability for a migrant child to inform themselves about the challenges of their journey to familiarize themselves and navigate through different environments.<sup>17</sup>

- **Separated Children**

Children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.<sup>18</sup>

- **Sexual Abuse**

The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.<sup>19</sup>

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 164.

<sup>15</sup> *Id.* at 171.

<sup>16</sup> *Id.* at 184.

<sup>17</sup> *Id.* at 185.

<sup>18</sup> *Id.* at 195.

<sup>19</sup> *Id.* at 197. See also, ECPAT, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse - Child Trafficking* 18, Jan. 2016, at [www.luxembourgguidelines.org](http://www.luxembourgguidelines.org) (last visited Feb. 3, 2022).

- **Sexual and Gender-Based Violence (SGBV)**

Acts that inflict physical, mental, or sexual harm or suffering, threat of such acts, coercion, and other deprivations of liberty, that target individuals or groups of individuals based on their gender.<sup>20</sup>

- **Sexual Exploitation**

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.<sup>21</sup>

- **Smuggling of Migrants**

The procurement, to obtain, directly or indirectly, a material benefit, of the irregular entry of a person into a State of which the person is not a national or a permanent resident.<sup>22</sup>

- **Stateless Person**

A person who, under national laws, does not have the legal bond of nationality with any State. Article 1 of the 1954 Convention relating to the Status of Stateless Persons indicates that a person not considered a national (or citizen) automatically under the laws of any State, is stateless.<sup>23</sup>

- **Trafficking in Persons**

The recruitment, transportation, transfer, harboring or receipt of persons including children, by means of force, fraud, or coercion for the purpose of exploitation. Exploitation can include forced prostitution as well as other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery and servitude, and the removal of organs.<sup>24</sup>

- **Unaccompanied Minors**

Children, as defined in Article 1 of the UN Convention on the Rights of the Child, who have been separated from both parents and other relatives and are not being care for by an adult, who by law or custom, is responsible for their care.<sup>25</sup>

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<sup>20</sup> UN High Commissioner for Refugees (UNHCR), *UNHCR Master Glossary of Terms* 20, Jun. 2006, at <https://www.refworld.org/docid/42ce7d444.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>21</sup> IOM, *Glossary on Migration*, *supra* note 1, at 197. *See also*, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse – Child Sexual Exploitation*, *supra* note 19, at 24.

<sup>22</sup> *Id.* at 200.

<sup>23</sup> *Id.* at 207.

<sup>24</sup> *Id.* at 217.

<sup>25</sup> *Id.* at 223.

# Understanding the Issue

## Context

In 2020, the number of international migrants living outside of the country of their birth reached 281 million—**36 million of them were children**.<sup>26</sup> That means **one in eight international migrants is a child**.<sup>27</sup> UNICEF data showed that at the end of 2019, 19.4 million children were living in internal displacement due to conflict and violence with another 2.1 million internally displaced due to natural disaster.<sup>28</sup>

As of the end of 2020, data showed that 42% of the 82.4 million people forcibly displaced around the world are children under the age of 18.<sup>29</sup> Additionally, some 12.6 million children are refugees.<sup>30</sup> There were 400,000 asylum applications registered globally between 2010 and 2019 by unaccompanied minors and separated children.<sup>31</sup>

“Children make up less than one third of the global population, but they were 50 per cent of the world’s refugees in 2019.”<sup>32</sup>

According to the United Nations Children’s Fund (UNICEF), the number of children moving on their own has increased in recent years. From 2015 to 2016, the number of children migrating alone (300,000) was five times higher than in 2010-2011 (66,000).<sup>33</sup> And approximately 200,000 unaccompanied minors applied for asylum in 2015-2016 across 80 countries.<sup>34</sup>

In 2018, the United Nations High Commissioner for Refugees (UNHCR) reported approximately 138,600 unaccompanied and separated children, 27,600 of whom were categorized as asylum seekers and 111,000 as refugees.<sup>35</sup> While these are significant numbers, it is important to note that the statistics are severely underestimated due to lack of consistent data collection. Even still,

<sup>26</sup> UNICEF, *Child Migration*, Apr. 2021, at <https://data.unicef.org/topic/child-migration-and-displacement/migration/#:~:text=In%202020%2C%20one%20in%20every,region%20where%20they%20were%20born> (last visited Feb. 3, 2022).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> UNHCR, *Global Trends: Forced Displacement in 2020* 3, 2021, at <https://www.unhcr.org/60b638e37/unhcr-global-trends-2020> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>30</sup> UNICEF, *Child Migration*, *supra* note 26.

<sup>31</sup> UNHCR, *Global Trends: Forced Displacement in 2019*, Jun. 18, 2020, at <https://www.unhcr.org/flagship-reports/globaltrends/globaltrends2019/> (last visited Feb. 3, 2022).

<sup>32</sup> UNICEF, *Child Displacement*, Sep. 2021, at <https://data.unicef.org/topic/child-migration-and-displacement/displacement/> (last visited Feb. 22, 2022).

<sup>33</sup> UNICEF, *A child is a child: Protecting children on the move from violence, abuse and exploitation* 11, May 2017, at [https://www.unicef.org/media/49571/file/UNICEF\\_A\\_child\\_is\\_a\\_child\\_May\\_2017\\_EN.pdf](https://www.unicef.org/media/49571/file/UNICEF_A_child_is_a_child_May_2017_EN.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>34</sup> *Id.*

<sup>35</sup> UNHCR, *Global Trends: Forced Displacement in 2018*, Jun. 20, 2019, at <https://www.unhcr.org/globaltrends2018/> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).



evidence suggests an increase in the number of unaccompanied and separated children over time, raising growing concerns over the issue.

According to Europol, it is estimated that at least 10,000 children of the initial 90,000 who migrated to the EU in 2015 went missing from shelters and reception centers within the first two days of their arrival.<sup>36</sup> While some of these children may have left these institutions to join their family members in other countries, many disappear inexplicably. Unaccompanied and separated children may go missing at the beginning, middle, or end of their migratory journeys, often becoming victims of child trafficking and sexual exploitation. Unfortunately, child migrants may also be classified as missing if they die during their migratory journeys. According to the International Organization for Migration (IOM)'s Missing Migrants Project (MMP), 2,345 children died or went missing during their migratory journeys between 2014 and early 2021—**an average of just over one child every day**.<sup>37</sup> However, given that there has been an estimated 12.6 million refugees as of 2020, it is likely that the number of children who have died during migration is higher.<sup>38</sup> Unfortunately, in many cases, it is challenging to document the deaths and disappearances of children during their journey because there is such limited information regarding their age and migratory routes.<sup>39</sup>

According to UNICEF and IOM, in 2017, children traveling alone experienced higher rates of exploitation and violence in comparison to those children traveling with their families.<sup>40</sup> Notably, the education level of a migrant child also plays an influencing role in the likelihood of exploitation, as children with higher education levels report experiencing less abuse during their migration journeys.<sup>41</sup> In the context of migrant children and their level of vulnerability to exploitation, their ability to inform themselves about possible challenges, familiarize themselves with various environments, and navigate these challenges and dangers is critical to avoiding the risk of trafficking and sexual exploitation.<sup>42</sup> For adolescents emigrating from **Sub-Saharan Africa**, the risk for exploitation increased to approximately 89% when that adolescent has a lower level of education and is traveling alone.<sup>43</sup> The risk for exploitation subsequently decreases to 73% when adolescents have access to

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<sup>36</sup> Missing Children Europe, *Missing children in migration*, at <https://missingchildreneurope.eu/Missingchildreninmigration> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>37</sup> IOM, *Missing Migrants Tracking Deaths Along Migratory Routes*, Jan. 21, 2022, at <https://missingmigrants.iom.int/downloads> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children). See also, Migration Data Portal, *Child and young migrants*, May 6, 2021, at [https://migrationdataportal.org/themes/child-and-young-migrants#:~:text=According%20to%20Eurostat%2C%20the%20number,decreased%20to%2017%2C89%20in%202019.&text=Betwe en%202014%20and%202020%2C%20at, journey%20\(IOM%2C%202020\)](https://migrationdataportal.org/themes/child-and-young-migrants#:~:text=According%20to%20Eurostat%2C%20the%20number,decreased%20to%2017%2C89%20in%202019.&text=Betwe en%202014%20and%202020%2C%20at, journey%20(IOM%2C%202020)) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>38</sup> UNICEF, *Child Migration*, *supra* note 26.

<sup>39</sup> Martha Sanchez and Kate Dearden, *Chapter 1: Missing Migrants Project data: A Global Overview 5*, International Organization for Migration, *FATAL JOURNEYS VOLUME 4: MISSING MIGRANT CHILDREN, 2019*, at [https://publications.iom.int/system/files/pdf/fatal\\_journeys\\_4.pdf](https://publications.iom.int/system/files/pdf/fatal_journeys_4.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children). Reportedly, in the 1,593 cases where children died or went missing during migration between 2014 and 2018, the child's age was specified in only 27% of the cases.

<sup>40</sup> Claus Bech Hansen et al., *Chapter 2: Vulnerabilities of migrant and forcibly displaced children 61*, International Organization for Migration, *FATAL JOURNEYS VOLUME 4: MISSING MIGRANT CHILDREN, 2019*, at [https://publications.iom.int/system/files/pdf/fatal\\_journeys\\_4.pdf](https://publications.iom.int/system/files/pdf/fatal_journeys_4.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>41</sup> *Id.* at 56.

<sup>42</sup> *Id.*

<sup>43</sup> UNICEF, *Harrowing Journeys: children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation 41*, Sep. 2017, at <https://www.unicef.org/reports/harrowing-journeys> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

higher education and are accompanied by a group when traveling.<sup>44</sup> Conversely, in the **Mediterranean**, the risk decreases to 64% for adolescents with less education who travel alone; this percentage is significantly lower than the level of risk faced by child migrants from **Sub-Saharan Africa**.<sup>45</sup> However, upon traveling with others and possessing greater levels of education, the risk of exploitation decreases to an estimated 38%.<sup>46</sup> Based on this evidence, the presence of family or guardians, in conjunction with a child's level of education, can protect and reduce the likelihood of exploitation. The correlation of education with wealth implies that those who migrate often lack economic stability and thus lack education.<sup>47</sup> For instance, researchers found that in **Nigeria**, approximately 77% of adolescents vulnerable to sex trafficking were impoverished and approximately 56% were illiterate.<sup>48</sup>

Detention centers often aggravate the risks of exploitation for child migrants, especially for those traveling alone. According to a study by the Mixed Migration Centre's (MMC) Mixed Migration Monitoring Mechanism Initiative (4Mi), there were over 870 children between the ages of 13 and 17 migrating towards **South Africa** in 2018, a quarter of them travelling alone.<sup>49</sup> Moreover, 16% of them described being held in detention centers for approximately four months.<sup>50</sup> Detention centers often forcibly remove the child from their family, exposing the child to abuse and exploitation within the facility.<sup>51</sup> Once detained, children are often denied access to educational and health services, and in some regions, like the **Northern Triangle** (*i.e.*, El Salvador, Guatemala, Honduras), children have reportedly been kept in detention until a family member paid for their release.<sup>52</sup> As a result, children remain vulnerable to exploitation within the facility and if deported, are forced to again face the situations that made them migrate in the first place, including homelessness, armed conflict, and abusive households.<sup>53</sup>

Unaccompanied youth and adolescents often have insufficient resources necessary to find legal and safe methods of migrating to their destination. A lack of opportunities to move legally, strict border enforcement, and other compounding factors force child migrants to seek out alternatives including resorting to dangerous routes and engaging smugglers to help them cross borders.<sup>54</sup>

According to Europol, over 90% of all migrants reaching the EU in 2015 relied on a smuggling network to reach their destination.<sup>55</sup> As smugglers try to avoid legal repercussions, they rely on irregular

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 41.

<sup>46</sup> *Id.*

<sup>47</sup> Claus Bech Hansen et al., *supra* note 40, at 58.

<sup>48</sup> *Id.* at 58.

<sup>49</sup> *Id.* at 60. For more information about the Mixed Migration Centre, see <https://mixedmigration.org/about/>.

<sup>50</sup> *Id.* at 61.

<sup>51</sup> *Trauma Caused by Separation of Children from Parents: A Tool to Help Lawyers* 10, American Bar Association, May 2019, at [https://www.americanbar.org/content/dam/aba/publications/litigation\\_committees/childrights/child-separation-memo/parent-child-separation-trauma-memo.pdf](https://www.americanbar.org/content/dam/aba/publications/litigation_committees/childrights/child-separation-memo/parent-child-separation-trauma-memo.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>52</sup> Martha Sanchez and Kate Dearden, *supra* note 39, at 4.

<sup>53</sup> Jacqueline Bhabha, *Chapter 3: Legal obligations of States with regard to child migrant deaths and disappearances* 75, International Organization for Migration, *FATAL JOURNEYS VOLUME 4: MISSING MIGRANT CHILDREN*, 2019, at [https://publications.iom.int/system/files/pdf/fatal\\_journeys\\_4.pdf](https://publications.iom.int/system/files/pdf/fatal_journeys_4.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>54</sup> UNICEF, *Harrowing Journeys*, *supra* note 43, at 46. See also, UNICEF, *Child Migration*, *supra* note 26, at 6.

<sup>55</sup> Vasileia Digidiki & Jacqueline Bhabha, *Emergency within an Emergency: The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece* 22, Harvard FXB Center for Health and Human Rights, 2017, at <https://cdn2.sph.harvard.edu/wp->

pathways to transport the children, which in turn places minors in vulnerable positions and dangerous situations.<sup>56</sup> Moreover, the dependent and transactional nature of the relationship between smugglers and children increases the possibility of sexual exploitation, should children and their families not have the necessary means to pay smugglers for their services.<sup>57</sup> Europol estimated that 20% of suspected smugglers on their radar have ties to human trafficking and noted that smugglers frequently move children across borders only to sell them into exploitation.<sup>58</sup>

In addition to the debts owed to smugglers, children must also earn income to sustain themselves during their migratory journeys. Limited by their age and skills, many children resort to engaging in criminal activity such as theft, drug dealing, and transactional sex for money, shelter, clothing, and food.<sup>59</sup> It is important to note, however, that when a child engages in sex for economic survival (sometimes referred to as *survival sex*),<sup>60</sup> it is considered sexual exploitation under international legislation.<sup>61</sup> Despite the legal ramifications, sexual exploitation and trafficking remains a pressing issue tied to weak child protection and welfare systems across the globe.<sup>62</sup>

Immigration systems also play a part in the problem. Many countries fail to provide children with legal status upon arrival, and as a result, children must resort to illegal work.<sup>63</sup> In Athens, **Greece**, refugee and migrant children have increasingly become victims of sexual exploitation. One young boy described being paid approximately €5 to 10 (\$5-\$11) to engage in sex with older men.<sup>64</sup> Social workers, among other authorities in Athens, attest that the serious issue of child sexual exploitation runs rampant in the city, which is a common destination for child migrants in **Europe**.<sup>65</sup>

## The Global Pandemic

The global pandemic has had a significant impact on entire population groups including refugee and migrant children. Loss of employment and income and a worldwide economic downturn during the pandemic have heightened risk factors such as poverty and food insecurity.<sup>66</sup> Typically, economic downturns lead to more children working, becoming pregnant, getting married, and being trafficked

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[content/uploads/sites/114/2017/12/Emergency-Within-an-Emergency-FXB.pdf](https://www.unicef.org/eca/sites/unicef.org.eca/files/2021-03/UNHCR-UNICEF-IOM%20Factsheet%20on%20refugee%20and%20migrant%20children%20Jan-June%202020.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>56</sup> UNICEF, *Harrowing Journeys*, *supra* note 43, at 45.

<sup>57</sup> *Id.*

<sup>58</sup> UNICEF, *Child Migration*, *supra* note 26, at 6.

<sup>59</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55, at 22.

<sup>60</sup> For information about proper use of terminology related to sexual abuse and exploitation of children, see, Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 19, at 32. “Applying a child protection legal framework, children engaged in transactional sex should be viewed as victims of sexual exploitation on the basis that children cannot consent to engaging in sexual activities in exchange for material benefits or any other form of consideration.”

<sup>61</sup> *Id.* at 23.

<sup>62</sup> *Id.* at 25.

<sup>63</sup> *Id.* at 25.

<sup>64</sup> Daniel Howden, *Refugees Caught Up in Child Prostitution in Athens*, THE NEW HUMANITARIAN, Jul. 14, 2016, at <https://deeply.thenewhumanitarian.org/refugees/articles/2016/07/14/refugees-caught-up-in-child-prostitution-in-athens> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>65</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55, at 23.

<sup>66</sup> UNHCR, UNICEF, & IOM, *Refugee and Migrant Children in Europe Accompanied, Unaccompanied and Separated, Overview of Trends January to June 2020* 5, Mar. 2021, at <https://www.unicef.org/eca/sites/unicef.org.eca/files/2021-03/UNHCR-UNICEF-IOM%20Factsheet%20on%20refugee%20and%20migrant%20children%20Jan-June%202020.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

or sexually exploited which further worsens the situation of migrant and displaced children.<sup>67</sup> Diminished access to education, particularly in reception facilities, has proven to be challenging as children face limited connectivity for online learning, as well as loud and crowded reception facilities. The disruption in education has also had a “detrimental effect on the mental health and psycho-social wellbeing, and exacerbated the risk of violence, abuse, and neglect for children, both unaccompanied and within families” by isolating children from peer and social support networks, as well as community and social support services.<sup>68</sup>

During the pandemic, procedures such as registration, age assessment, and asylum were suspended, limiting access to services for children including guardianship and access to appropriate shelters.<sup>69</sup> With the suspension of asylum procedures and consular services, and limited travel options to facilitate transfers, significant delays in family reunification have occurred.<sup>70</sup> Additionally, imposing forced confinement in order to curb the spread of COVID-19 has increased the risk of prolonged separation from parents, increased exploitation, and gender-based violence.<sup>71</sup> Closed borders also create serious challenges for humanitarian workers. With many humanitarian workers unable to reach child migrants due to physical distancing and confinement restrictions, case management services are being provided remotely. However, many women and children either lack access to, or are prohibited from, accessing online resources.<sup>72</sup> In addition, misinformation about the spread of COVID-19 has worsened the xenophobia and discrimination that migrant, displaced children, and their families experience.<sup>73</sup>

COVID-related deaths leave many children on the move at risk of losing their parents and subsequently becoming vulnerable to child protection abuses.<sup>74</sup> It is critical as governments continue to roll out their vaccination plans, and that access is equitable, including for refugees, asylum seekers, internally displaced people, and migrants.<sup>75</sup> An inclusive strategy will help address communities’ immediate health risks.<sup>76</sup>

### Primary Push and Pull Factors Leading to Migration

There are five primary reasons—or push and pull factors—for migration that include: 1) environmental, 2) economic, 3) cultural, 4) political, and 5) social.

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<sup>67</sup> Danzhen You et al., *Migrant and displaced children in the age of COVID-19: How the pandemic is impacting them and what can we do to help* 37, UNICEF, MIGRATION POLICY PRACTICE 10(2): 32-39, 2020, at <https://data.unicef.org/resources/migrant-and-displaced-children-in-the-age-of-covid-19/> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>68</sup> UNHCR, UNICEF, & IOM, *Refugee and Migrant Children in Europe*, *supra* note 66.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Danzhen You et al., *supra* note 67.

<sup>72</sup> UNHCR, *2021 COVID-19 Supplementary Appeal* 23, Dec. 2020, at <https://reporting.unhcr.org/sites/default/files/COVID-19%20Supplementary%20Appeal%202021%20-%202018%20December%202020.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>73</sup> UNICEF, *Migrant and displaced children: Children on the move are children first – The impact of COVID-19*, at <https://www.unicef.org/migrant-refugee-internally-displaced-children#migration-covid-pandemic> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>74</sup> Danzhen You et al., *supra* note 67.

<sup>75</sup> UNICEF, *Migrant and displaced children*, *supra* note 73.

<sup>76</sup> *Id.*

### **Environmental Factors**

When considering factors that may push children away from their home, it is imperative to consider the environment. Major environmental disasters such as earthquakes, hurricanes, tsunamis, floods, and droughts serve as catalysts for migration and indirectly expose children to particular risks. Often, children are separated from their families following a natural disaster. Without the protection of the family, they are exposed to dangers like sexual exploitation.<sup>77</sup> According to the Internal Displacement Monitoring Centre, 55 million people were internally displaced around the world at the end of 2020 (48 million due to conflict and violence and 7 million as a result of disasters)—and more than 23 million of these were under the age of 18.<sup>78</sup> This highlights the impact that environmental issues have on migration trends and underscores how environmental issues equally affect internal and transnational migration.

For example, in **Somalia**, the emergence of severe droughts brought on by climate change have caused children to migrate in, and around, the region.<sup>79</sup> A 2018 Assessment by REACH found that 3% of all assessed households in **Somalia** had experienced family separation in the three months prior due to the drought as children were sent to internally displaced person sites or sent to stay with extended family.<sup>80</sup> Moreover, in **Somaliland**, droughts have contributed to the death of livestock, a critical source of income for individuals living in rural areas.<sup>81</sup> With the growing effects of climate change, environmental migration will increase, including child migration. Their forced migration will inevitably result in family separations leaving migrant children vulnerable to abuse and exploitation.

Furthermore, natural disasters often cause social institutions to collapse, allowing child trafficking to occur more easily.<sup>82</sup> **Nepal** in 2015, and **Haiti** in 2010, each experienced a surge in child disappearances and trafficking following a series of earthquakes. According to UNICEF, in **Haiti** “approximately 25 to 100 children went missing every day because they were either smuggled or trafficked to the **Dominican Republic**” in the weeks following the disaster.<sup>83</sup> In September 2020, a fire broke out in the Moria camp in **Greece**, the largest refugee camp in **Europe**, with one-third of the camp’s population being under the age of 12. The fire, started by the residents of the camp in protest to the living conditions, left more than 12,000 refugees without medical assistance or shelter and at

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<sup>77</sup> Lorraine Radford et al., *Promising Programmes to Prevent and Respond to Child Sexual Abuse and Exploitation* 8, UNICEF, Jan. 2015, at [https://www.researchgate.net/publication/330093884\\_Promising\\_Programmes\\_to\\_Prevent\\_and\\_Respond\\_to\\_Child\\_Sexual\\_Abuse\\_and\\_Exploitation](https://www.researchgate.net/publication/330093884_Promising_Programmes_to_Prevent_and_Respond_to_Child_Sexual_Abuse_and_Exploitation) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>78</sup> Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2021*, at <https://www.internal-displacement.org/global-report/grid2021/> (last visited Feb. 20, 2022).

<sup>79</sup> *Somalia: Drought and Protection Concerns in IDP Sites - Joint Partner Assessment*, REACH, Apr. 2018, at [https://reliefweb.int/sites/reliefweb.int/files/resources/reach\\_som\\_report\\_joint\\_partner\\_protection\\_assessment\\_april\\_2018.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/reach_som_report_joint_partner_protection_assessment_april_2018.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>80</sup> *Id.* at 21.

<sup>81</sup> UNICEF, “No Mother Wants Her Child to Migrate”: *Vulnerability of children on the move in the Horn of Africa* 10, Jun. 2019, at <https://www.unicef-irc.org/publications/pdf/Child-Migration-Horn-of-Africa-part-1.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>82</sup> UNICEF, *A Child is a Child*, *supra* note 33, at 38.

<sup>83</sup> IOM, *Addressing Human Trafficking and Exploitation in Time of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations* 20, Dec. 2015, at <https://publications.iom.int/books/addressing-human-trafficking-and-exploitation-times-crisis-evidence-and-recommendations-0> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).



least one child dead.<sup>84</sup> The chaos that follows a natural disaster can not only separate children from their families but also dismantle critical systems and measures that protect children.

### ***Economic Factors***

Economics are considered both a push and pull factor of migration. Lack of sustainable and consistent economic opportunities push migrants out of their homes while flourishing economies pull migrants in. It is important to note that economic factors can operate within a country just as they do across international borders. Differences in wages and living standards across different markets, regions, and countries often drive child migration.<sup>85</sup> Responses to interviews conducted in **Niger** and **Mali** by the Regional Mixed Migration Secretariat in **West Africa** showed that most **Sub-Saharan** migrants had migrated for economic reasons, many moving north towards job opportunities in countries such as **Libya**.<sup>86</sup>

Additionally, surveys conducted in destination countries like **Bulgaria, Greece, Hungary, and Serbia** found that “a third of adolescents and just under half of youth” migrating from **Afghanistan, Iraq, Pakistan, and Syria** did so for economic reasons.<sup>87</sup> For unaccompanied **Afghan** and **Iranian** children, poverty, economic inequity, and the need to support their families back home, were major factors in the decision to migrate.<sup>88</sup> Thus, a child’s economic reality and potential opportunities significantly influence an individual’s decision to migrate and subsequent associated dangers.

“ Although motives vary by individual, difficult socioeconomic and security conditions—exacerbated by natural disasters and poor governance—appear to be the most important drives of this mixed flow of economic migrants and asylum-seekers.<sup>89</sup>

In addition to an overall lack of economic opportunities, extreme poverty is also a significant push factor. In 2021, the U.S. Border Patrol reported roughly 684,000 foreign nationals arrived at the U.S. Southwest border from the **Northern Triangle**. Refugees from this region account for 41% of all Border Patrol encounters in this region, of which 17% were unaccompanied minors and 39% were traveling with family members.<sup>90</sup>

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<sup>84</sup> Melissa Godin, *Blaze That Destroyed Greece's Moria Refugee Camp Symbolizes Breakdown in E.U. Over Future of Migrants*, TIME, Sep. 10, 2020, at <https://time.com/5887085/greece-moria-refugee-camp-blaze/> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children). See also, *Blaze That Destroyed Greece's Moria Refugee Camp Symbolizes Breakdown in E.U. Over Future of Migrants*, Sep. 10, 2020, TIME, at <https://time.com/5887085/greece-moria-refugee-camp-blaze/> (last visited Feb. 20, 2022).

<sup>85</sup> Sara Burrone et al., *Child-related Concerns and Migration Decisions: Evidence from the Gallup World Poll 7*, UNICEF, Dec. 2018, at <https://www.unicef-irc.org/publications/pdf/Child-related-concerns-migration-decisions-evidence-gallup-poll.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>86</sup> UNICEF, *Harrowing Journeys*, *supra* note 43, at 15.

<sup>87</sup> *Id.*

<sup>88</sup> UNICEF, *Beyond Borders: How to make the global compacts on migration and refugees work for uprooted children 20-25*, Dec. 2017, at [https://www.unicef.org/media/48631/file/UNICEF\\_Beyond\\_Borders\\_Nov\\_2017-ENG.pdf](https://www.unicef.org/media/48631/file/UNICEF_Beyond_Borders_Nov_2017-ENG.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>89</sup> *Central American Migration: Root Causes and U.S. Policy*, CONGRESSIONAL RESEARCH SERVICES, Oct. 27, 2021, at <https://sgp.fas.org/crs/row/IF11151.pdf> (last visited Feb. 3, 2022).

<sup>90</sup> *Id.*

As of 21 March 2021, more than 15,500 unaccompanied minors were reportedly in custody of the U.S. Customs and Border Patrol (CBP) and the Department of Health and Human Services (HHS).<sup>91</sup> However, the data only includes those apprehended by immigration authorities highlighting the possibility that many more child migrants are fleeing extreme poverty.

A country's overall economic growth may not support significant internal shifts in population. Unfortunately, economic inequality and shifting demographics complicate living situations and force migration, especially among children and adolescents.<sup>92</sup> In **Southeast Asia**, economic inequality and poor governmental economic regulation has resulted in an uneven distribution of income amongst citizens with approximately half of a billion individuals surviving on an estimated \$2 a day.<sup>93</sup> It is estimated that 75% of the world's impoverished population reside in rural areas.<sup>94</sup> Thus, children and adolescents in rural areas often migrate to urban centers for economic opportunities. However, while urban centers may offer more economic opportunities, they are not necessarily designed to support the large influx of people that migration brings. For instance, in **Africa**, more than 60% of the urban population finds themselves living in slums.<sup>95</sup> Whether a rural area or an urban center, a large influx of migrants, particularly one large enough to cause significant shifts in the population, can contribute to increased economic hardship for those living in the affected area.

### **Cultural Factors**

Culture also plays a significant role in children's decisions to migrate. For example, in countries where males are prioritized over females, girls consider migration a means to attain further education and ultimately, employment opportunities.<sup>96</sup> In other parts of the world, young girls are married off as child brides, which further drives child migration. In fact, **South Asia** has the highest number of child brides in the world and accordingly exhibits significant migration flows.<sup>97</sup> Forced child marriages are also common in **Africa**. In **Ethiopia**, girls as young as 13 have fled their home countries to evade arranged marriages to older men.<sup>98</sup> In 2016, there were 1,475 married children living in **Germany**, though it is estimated that statistics are underreported; that number includes migrant children who were married before and/or during their journey.<sup>99</sup>

Other cultural norms may normalize violence, forcing both boys and girls to migrate. Some regions of the world practice female genital mutilation (FGM) or female genital cutting (FGC), intentionally

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<sup>91</sup> Anya van Wagtenonk, *As Biden's immigration policy faces scrutiny, the DHS chief says the border is "closed"*, Vox, Mar. 21, 2021, at <https://www.vox.com/2021/3/21/22343184/as-bidens-immigration-policy-faces-scrutiny-the-dhs-chief-says-the-border-is-closed> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>92</sup> Jacqueline Bhabha et al., *Children on the Move: An Urgent Human Rights and Child Protection Priority* 40-42, FXB Center for Health and Human Rights at Harvard University, 2016, at <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2464/2017/12/Oak-report2016.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>93</sup> *Id.*

<sup>94</sup> *Id.* at 46.

<sup>95</sup> *Id.* at 42.

<sup>96</sup> *Id.* at 44.

<sup>97</sup> *Id.* at 43.

<sup>98</sup> UNICEF France, *Neither Safe Nor Sound: Unaccompanied children on the coastline of the English Channel and the North Sea* 41-43, Jun. 2016, at [https://www.unicef.org/media/files/Unicef\\_NeitherSafeNorSound\\_\(003\).pdf](https://www.unicef.org/media/files/Unicef_NeitherSafeNorSound_(003).pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>99</sup> Chris Harris, *Refugee brides: what should Germany do about its child marriage problem?*, EURONEWS, Jan. 25, 2017, at <https://www.euronews.com/2017/01/25/what-should-germany-do-over-its-hundreds-of-under-age-refugee-brides> (last visited Feb. 3, 2022).

harming young women in the name of custom or tradition. This harmful customary practice is a human rights violation that has life-long physical, emotional, and psychological consequences.<sup>100</sup> The limited, or lack of, legal rights and protections in the home country force young girls to flee culturally sanctioned violence like FGM.<sup>101</sup> While the gender-based violence experienced by girls is well-known, boys too are vulnerable to exploitation and subsequently forced migration. In **Afghanistan**, strict norms regulate the sexual interactions between men and girls resulting in a practice called *Bacha Bazi* where men sexually exploit and abuse young boys.<sup>102</sup> Deemed culturally acceptable, practices like *Bacha Bazi* further increase the likelihood of sexual exploitation and forced migration. Often cultural practices like these expose children to exploitation in their own countries and then again as they flee.

Culture also encompasses other important aspects like religion and religious discrimination. In **Iran**, many Kurdish children, a religious and ethnic minority, flee because of religious discrimination.<sup>103</sup> Shia Islam is recognized as the state religion in Iran and necessary to reaching higher positions in society, making it difficult for Kurdish children to live a prosperous and safe life.<sup>104</sup> Similarly, children who belong to religious minorities like Buddhists, Christians, Hindus, Jains, Parsis, and Sikhs flee countries like **Afghanistan, Bangladesh, and Pakistan** to avoid religious persecution.<sup>105</sup> Not all culturally-driven child migration, however, is motivated by harmful cultural norms or discrimination. In **Somaliland**, children embark on their *tahriib* or journey to gain respect from society by becoming financially successful and educated, looking after their clan's people upon their return.<sup>106</sup> Regardless of the motivation, the dangers posed to children on their migratory journeys should remain of utmost concern.

### **Political Factors**

Politics and political climate are another important push factor of migration. Often a tumultuous political climate can create conflict within a country. According to UNICEF, in 2018 alone 28 million children were uprooted from their homes as a result of internal political or armed conflicts.<sup>107</sup> By the end of 2020, this number rose to more than 33 million.<sup>108</sup>

“ According to UNICEF, more than 33 million children worldwide were forcibly displaced by the end of 2020.

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<sup>100</sup> Human Rights Watch, *Q&A on Female Genital Mutilation*, Jun. 16, 2010, at <https://www.hrw.org/news/2010/06/16/qa-female-genital-mutilation> (last visited Feb. 3, 2022). FGM is defined as "all procedures involving partial or total removal of the external female genitalia or injury to the female genital organs for non-medical reasons."

<sup>101</sup> Lorraine Radford et al., *supra* note 77, at 7-8.

<sup>102</sup> UNICEF France, *Neither Safe Nor Sound*, *supra* note 98, at 31.

<sup>103</sup> *Id.* at 50.

<sup>104</sup> *Id.* at 31.

<sup>105</sup> Save the Children, *Refugee crisis fueling child labor worldwide*, Jan. 16, 2017, at <https://www.savethechildren.in/resource-centre/articles/refugee-crisis-fuelling-child-labour-worldwide> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>106</sup> UNICEF, "No Mother Wants Her Child to Migrate", *supra* note 81, at 10.

<sup>107</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children 1*, 2016, at <https://www.unicef.org/reports/uprooted-growing-crisis-refugee-and-migrant-children> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>108</sup> UNICEF, *Child Displacement*, *supra* note 32.

This number includes “11.8 million child refugees...around 1.3 million asylum-seeking children, and an estimated 20.4 million children displaced within their own country by violence and conflict.”<sup>109</sup> Internal conflicts increase the likelihood of individuals fleeing and seeking refuge elsewhere. In **Syria**, for example, in 2014, the UN estimated that of the 3.5 million people that had fled the country due to civil war, roughly 1.25 million were children.<sup>110</sup> In 2015, the UNHCR reported that more than 4 million refugees of the Syrian conflict resided in neighboring countries such as **Jordan** and **Turkey**, approximately half of them under the age of 18 and approximately 40% of them under the age of 12.<sup>111</sup> By 2021 though the total number of people affected by the Syrian refugee crisis had increased to 13.5 million and half of the affected population continued to be children.<sup>112</sup> Political climates that create and exacerbate internal conflicts often result in migration.

Long-standing conflicts and political instability are prevalent in **Africa**, where they have served as the drivers for large child refugee movements.<sup>113</sup> In **Libya**, thousands of children fled because of conflicts between militia groups and government forces.<sup>114</sup> Moreover, while children flee dangerous and unstable environments, the decision to migrate further exposes them to risks and threats to their safety and wellbeing. This is especially true in countries with political instability as corrupt officials and militia groups may further exploit children.<sup>115</sup>

A country’s political system and the protections it provides its citizens also play a role in a child’s decision to migrate. For instance, if a country lacks legislation that provides healthcare, individuals may migrate elsewhere to find and gain access to healthcare.<sup>116</sup> In a 2018 study by 4Mi and UNICEF, child migrants in **South Africa** often cited poor access to medical care as one of their reasons for migration.<sup>117</sup> Lack of access to services to meet such basic needs can affect certain groups more, as is the case for unaccompanied migrant children in **Egypt**.<sup>118</sup> Political systems also fail to protect specific groups like the LGBTQ+ community, thus making them more vulnerable to social, legal, and political persecution.<sup>119</sup> Additionally, and as mentioned before, lack of protective legislation also exposes children to sexual violence and abuse.<sup>120</sup> As a result of government policy and legislation

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<sup>109</sup> *Id.*

<sup>110</sup> Selcuk R. Sirin & Lauren Rogers-Sirin, *The Educational and Mental Health Needs of Syrian Refugee Children 1*, MIGRATION POLICY INSTITUTE’S NATIONAL CENTER ON IMMIGRANT INTEGRATION POLICY, Oct. 2015, at [https://www.researchgate.net/publication/287998909\\_The\\_Educational\\_and\\_Mental\\_Health\\_Needs\\_of\\_Syrian\\_Refugee\\_Children](https://www.researchgate.net/publication/287998909_The_Educational_and_Mental_Health_Needs_of_Syrian_Refugee_Children) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>111</sup> *Id.*

<sup>112</sup> Kathryn Reid, *Syrian refugee crisis: Facts, FAQs, and how to help*, WORLD VISION, Jul. 13, 2021, at <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts> (last visited Feb. 3, 2022).

<sup>113</sup> UNHCR, UNICEF, & IOM, *Refugee and Migrant Children in Europe*, *supra* note 66.

<sup>114</sup> UNICEF, *A Deadly Journey for Children: The Central Mediterranean Migration Route 3*, Feb. 2017, at <https://www.unicef.org/reports/deadly-journey-children> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>115</sup> *Id.* at 3, 14.

<sup>116</sup> Sara Burrone et al., *supra* note 85, at 40.

<sup>117</sup> Claus Bech Hansen et al., *supra* note 40, at 60.

<sup>118</sup> UNICEF France, *Neither Safe Nor Sound*, *supra* note 98, at 66.

<sup>119</sup> UNHCR, *A guide to international refugee protection and building state asylum systems* 139, 2017, at <https://www.unhcr.org/3d4aba564.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>120</sup> UNICEF, “No Mother Wants Her Child to Migrate”, *supra* note 81, at 26-34.

that enables “exclusion, marginalization, and discrimination,”<sup>121</sup> children flee in search of better lives, risking their own safety along the way.

In countries such as **Eritrea, Ethiopia, Sudan, and Syria**, boys often flee forced conscription or mandatory military service to escape the rule of authoritarian regimes or the forced recruitment into rebel forces or terrorist groups like ISIS.<sup>122</sup> For **Venezuelan** migrants—a real or perceived fear of being targeted for one’s political opinion is another driving force for migration.<sup>123</sup> Lastly, some children migrate over concerns for the level of corruption within their country’s government. According to a study conducted by UNICEF, which surveyed 150 countries, perceived level of corruption in a migrant child’s country of origin was an especially important motivator for migration because it raises safety concerns.<sup>124</sup>

### **Social Factors**

Social factors speak to societal norms and attitudes that influence a child’s decision to leave their home country. For example, in **Central America and Mexico**,<sup>125</sup> children and adolescents flee normalized violence, whether it be interpersonal, intimate, or gang violence.<sup>126</sup> In the **Northern Triangle**, gang violence is the primary reason for irregular and dangerous migration patterns amongst children.<sup>127</sup> According to the Federation for American Scientists, in 2014 U.S. authorities noted 68,500 unaccompanied minors arrived at the U.S.-Mexico border from **El Salvador, Guatemala, and Honduras**.<sup>128</sup> Upon interviewing the children, it was reported that in addition to the risk of exploitation and human trafficking, normalized violence inflicted by gangs and the possibility of gang recruitment were two of the main reasons for migration.<sup>129</sup> In this same region, children as young as 12 years old are recruited by gangs, coerced by threats to their wellbeing and their family’s safety.<sup>130</sup> Fear of remaining in a violent situation drives children to flee their country, and the region. Many seek asylum in the **United States** because of the precarious situation in **Mexico** and much of **Central America**.<sup>131</sup>

Family structure and dynamics also heavily influence child migratory trends. For children who have lost one or both parents, migration presents itself as an opportunity.<sup>132</sup> In **Africa**, the prevalence of HIV has killed many young adults and left many children orphaned who subsequently become child migrants.<sup>133</sup> Other regional research has investigated single-parent households, noting that children with one parent are more likely to migrate than those with two, as single parents often struggle to

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<sup>121</sup> United Nations General Assembly, *In safety and dignity: addressing large movements of refugees and migrants – Report of the Secretary-General* 7, Apr. 21, 2016, at [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/59&=E%20](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/59&=E%20) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>122</sup> UNICEF France, *Neither Safe Nor Sound*, *supra* note 98, at 33, 39, & 54.

<sup>123</sup> Global Trends: Forced Displacement in 2018, *supra* note 35, at 24.

<sup>124</sup> Sara Burrone et al., *supra* note 85, at 40.

<sup>125</sup> Martha Sanchez and Kate Dearden, *supra* note 39, at 31.

<sup>126</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 67-70.

<sup>127</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 52.

<sup>128</sup> *Fleeing for our lives: Central American migrant crisis*, AMNESTY INTERNATIONAL, Apr. 1, 2016, at <https://www.amnestyusa.org/fleeing-for-our-lives-central-american-migrant-crisis/> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>129</sup> *Id.*

<sup>130</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 34.

<sup>131</sup> Jacqueline Bhabha et al., *Children on the Move*, *supra* note 92, at 45.

<sup>132</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 14.

<sup>133</sup> Jacqueline Bhabha et al., *Children on the Move*, *supra* note 92, at 45.



provide the necessary emotional and material needs of a child.<sup>134</sup> Additionally, family tension and conflict may also affect children’s decision to leave home.<sup>135</sup>

Family can also pull child migrants to other countries. For many in the Americas, family reunification is a primary driver of migration towards **North America**.<sup>136</sup> In this case, family not only serves as a pull factor, but also as a resource that can facilitate a child’s migratory experience.<sup>137</sup> In a study conducted by UNICEF in 2018, the *diaspora* variable, referring in part to family networks, was extremely significant to children’s migration decisions.<sup>138</sup> Paired with the accessibility of information through social media and the Internet, children are more aware now more than ever of what awaits them in their destination countries.<sup>139</sup>

As mentioned, deep-seated societal attitudes often lead to discrimination. For the Rohingya people, societal discrimination and violence have pushed them to migrate to other countries like **Bangladesh**, taking with them hundreds of thousands of Rohingya children.<sup>140</sup> Originally residing in **Myanmar**, the Rohingya people are systematically denied basic rights to citizenship, free movement, health, and education.<sup>141</sup> Similarly, in **Kuwait**, the Bedoon, a marginalized social class, have also been denied access to education, health, and official documentation. Lack of documentation has prevented the Bedoon from obtaining citizenship, relegating them to the status of stateless people and *illegal* foreigners since 1986.<sup>142</sup> Experts have suggested that institutionalized discrimination has forced Kuwaiti Bedoons to migrate, including a large proportion of children.<sup>143</sup>

“The four children – aged 12, 14, 15 and 16 –set off by themselves on the gruelling and precarious 5,000-km (3,100-mile) journey from Kashgar, near China’s border with Pakistan, to the eastern coastal city of Shanghai to apply for Italian visas in June 2020.... On the road, they faced many great dangers and challenges. Regulations prohibit children from buying train or flight tickets and from travelling on their own in China. Due to discriminatory policies and local government edicts, hotels often refuse to accommodate Uyghur people, claiming there are no rooms available.... On 24 June, all four were seized by the police at their hotel in Shanghai and taken back to an orphanage and boarding school in Kashgar, according to their parents.”

Source: *The Nightmare of Uyghur Families Separated by Repression*, Amnesty International, Mar. 2021, at <https://www.amnesty.org/en/latest/research/2021/03/the-nightmare-of-uyghur-families-separated-by-repression/> (last visited Feb. 3, 2022).

<sup>134</sup> UNICEF, “No Mother Wants Her Child to Migrate”, *supra* note 81, at 30.

<sup>135</sup> *Id.*

<sup>136</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 67.

<sup>137</sup> Sara Burrone et al., *supra* note 85, at 6-7.

<sup>138</sup> *Id.* at 40.

<sup>139</sup> UNICEF, “No Mother Wants Her Child to Migrate”, *supra* note 81, at 33-35.

<sup>140</sup> UNICEF, *Futures in the Balance: Building Hope for a Generation of Rohingya Children* 7, Aug. 2018, at <https://www.unicef.org/media/95336/file/UNICEF-Child-Alert-Rohingya-Aug-2018-EN.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>141</sup> *Id.*

<sup>142</sup> UNICEF France, *Neither Safe Nor Sound*, *supra* note 98, at 56.

<sup>143</sup> *Id.*

The impact of social factors can also be seen in the experience of the Uyghurs. In 2016, authorities in **China** systematically confiscated passports from people in **Xinjiang**.<sup>144</sup> Unfortunately, many parents were forced to choose between surrendering their passports to the authorities or fleeing the country without their children who did not yet have their own.<sup>145</sup> It was reported that some parents planned to go back for their children. However, they found that once they were outside of the country, they were unable to safely return.<sup>146</sup> Often, in their efforts to coordinate with an Embassy, they were ultimately detained and sent back to **Xinjiang**.<sup>147</sup> Moreover, this mass detention campaign combined with systematic repression has made it extremely difficult for children to leave **China**, even to reunite with their parents abroad.<sup>148</sup> In 2021, an estimated 1.5 million Uyghurs had been detained in concentration camps.<sup>149</sup>

A lack of educational opportunities in society is another motivating social factor for migration. As of December 2018, across **Bulgaria, Greece, and Serbia**, between 50%-62% of all school-age refugees and migrant children were integrated into the formal education system.<sup>150</sup> Furthermore, in an assessment conducted in **Greece** in 2019, 77% of children listed going to school as one of their top priorities.<sup>151</sup> For **Somali** youth migrating towards **Europe**, education one of their primary driving factors.<sup>152</sup>

“Refugee children are five times more likely to be out of school than their non-refugee peers. Only 3.4 million of the 7.1 million refugees of school-age were enrolled in primary or secondary education in 2018; more than half of them—3.7 million—did not go to school. Moreover, 76 percent of refugee adolescents were reported to not be enrolled in secondary school.”<sup>153</sup>

While some children lack access to education overall, others experience a disruption in their education because of chaotic external circumstances like war and conflict. In 2016, approximately 24 million children residing in conflict zones worldwide, mostly in parts of **Africa** like **Niger, South**

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<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> Tasnim Nazeer, *The Missing Uyghur Children*, THE DIPLOMAT, Apr. 21, 2021, at <https://thediplomat.com/2021/04/the-missing-uyghur-children/#:~:text=An%20estimated%201.5%20million%20Uyghurs,separated%20from%20their%20loved%20ones> (last visited Feb. 3, 2022).

<sup>150</sup> UNHCR, UNICEF, & IOM, *Access to Education for Refugee and Migrant Children in Europe*, Sep. 2019, at <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2019/09/Access-to-education-europe-19.pdf> (last visited Feb. 3, 2022).

<sup>151</sup> *Id.*

<sup>152</sup> UNICEF, “No Mother Wants Her Child to Migrate”, *supra* note 81, at 27.

<sup>153</sup> UNHCR, *Refugee Statistics*, 2021, at <https://www.unrefugees.org/refugee-facts/statistics/#:~:text=Refugees%20children%20are%20five%20times,did%20not%20go%20to%20school>. (last visited Feb. 3, 2022).

**Sudan**, and **Sudan**, were out of school.<sup>154</sup> Understandably, both a lack of education and a disruption in education are motivating factors for migration.

Moreover, basic security and medical provisions are just as important as education for children. Consequently, children have also left countries like the **Democratic Republic of Congo** and **Sudan** as a result of poor social services and food shortages.<sup>155</sup>

### **Risks of Abuse during Migration Phases: Departure, Journey, and Arrival**

As noted, there are countless risks to the safety and wellbeing of children when they are on the move. These risks are present at all stages of the migration process: they occur when children depart their home, while they are enroute to their destination, and upon arrival to their transit or final destination.

#### ***Risks of Abuse during Initial Phase of Departure from Home***

Some children may feel compelled to leave home after experiencing trauma—this can range from surviving sexual violence and exploitation, witnessing and experiencing abuse in the home, and being victims of human trafficking, to being separated from parents for various reasons (e.g., death by illness), or having been exposed to the dangers of armed conflict.<sup>156</sup> According to a study that included interviews with 100 unaccompanied asylum-seeking minors in the **United Kingdom**, violence was found to be the primary reason for fleeing one's home country, with over a third of the sample group reporting that they were raped prior to leaving.<sup>157</sup> An additional exploratory study of 19 unaccompanied child migrants in **Italy** reported being physically and psychologically abused at least once in their life and more than half were sexually abused before or during their migration.<sup>158</sup> For children on the move, the migration process exacerbates their vulnerability to risky situations, particularly sexual abuse and exploitation.<sup>159</sup> This is especially the case for adolescent girls around the world; not only must they worry about issues of forced displacement, but they are also more vulnerable to sexual exploitation due to their age, gender, and economic status.<sup>160</sup> Furthermore, young women from **Eritrea**, **Ethiopia**, and the **Kurdistan** region of **Iraq** have stated in interviews that they were financially pressured into engaging in sex work so as to be able to pay the fees required by smugglers and gain passage into the **United Kingdom**.<sup>161</sup> These findings suggest that some children will have already fallen into the cycle of sexual exploitation prior to starting their migration journey.

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<sup>154</sup> UNICEF, Uprooted: The Growing Crisis for Refugee and Migrant Children, *supra* note 107, at 61.

<sup>155</sup> *Id.* at 57.

<sup>156</sup> Julie M. Linton, MD, FAAP, et al., *Detention of Immigrant Children 6*, AMERICAN ACADEMY OF PEDIATRICS, Apr. 2017, at [https://www.mywcms.org/files/documents/detention-of-immigrant-children\\_final\\_published\\_ma.pdf](https://www.mywcms.org/files/documents/detention-of-immigrant-children_final_published_ma.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>157</sup> Amanda Jayne Mason-Jones & Phoebe Nicholson, *Structural violence and marginalization. The sexual and reproductive health experiences of separated young people on the move. A rapid review with relevance to the European humanitarian crisis* 158, WHITE ROSE, University of York, Apr. 10, 2018, at [http://eprints.whiterose.ac.uk/128417/1/AMJ\\_Manuscript\\_FINALupdate200218.pdf](http://eprints.whiterose.ac.uk/128417/1/AMJ_Manuscript_FINALupdate200218.pdf) (last visited Feb. 3, 2022) (one file with the International Centre for Missing & Exploited Children).

<sup>158</sup> *Alone and Unsafe: Children, migration, and sexual and gender-based violence* 12, The International Federation of Red Cross and Red Crescent Societies, 2018, at <https://www.ifrc.org/sites/default/files/181126-AloneUnsafe-Report-EN-web.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>159</sup> Jacqueline Bhabha et al., *Children on the Move*, *supra* note 92, at 41.

<sup>160</sup> Timothy P. Williams, et al., *"It isn't that we're prostitutes": Child protection and sexual exploitation of adolescent girls within and beyond refugee camps in Rwanda* 159, CHILD & ABUSE NEGLECT INTERNATIONAL JOURNAL, Dec. 2018, at <https://www.sciencedirect.com/science/article/abs/pii/S0145213418303788?via%3Dihub> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>161</sup> UNICEF France, *Neither Safe Nor Sound*, *supra* note 98, at 80.

### **Risks of Abuse during Migration Journey**

Once children commence their migration journey, they become susceptible to many additional risks which heightens their vulnerability to sexual violence and exploitation. This is especially true in cases where they are traveling alone or have been separated from their families or caregivers. This is because children on the move may travel irregular and dangerous routes due to restrictive border enforcement within the home country and between transit countries.<sup>162</sup> Unaccompanied children relying on these routes often depend on smugglers and traffickers, who may further expose them to sexual exploitation and kidnapping or possibly even reroute them to trafficking sites.<sup>163</sup> In surveys completed by migrants and refugees in **Italy** between October and November 2016, 78% of children stated that they had experienced at least one instance of trafficking and other exploitative practices.<sup>164</sup> UNICEF conducted a study in 2016 of children attempting to migrate into **Libya**; the results of the study found that nearly 75% of the child participants reported experiencing harassment, aggression, or violence by adults, and girls reported a higher level of abuse than boys.<sup>165</sup> Additionally, recent research shows that unaccompanied children taking irregular routes are more vulnerable to violence, exploitation, or abuse as compared to those traveling with their families on regular, state-sanctioned routes.<sup>166</sup> This suggests that when children have access to regularized pathways of migration, without reliance on smugglers and traffickers, the initial likelihood of increased vulnerability to exploitation diminishes significantly.

Realistically, however, many children and families do not have the economic means required for regular methods of travel particularly if they are fleeing their home country. In July 2016, the cost of a typical smuggling trip by plane from **Turkey** to the **United Kingdom** was approximately €11,000; two months later that price jumped to €18,000.<sup>167</sup> Reportedly, the price to cross the English Channel ranges from €3,000 to €7,000.<sup>168</sup> It is estimated that in 2021, smuggling organizations netted €69 million (\$77.7 million) for the crossing.<sup>169</sup> According to Austrian authorities, the trip through Central Europe costs around €4,000 and in a recent case in which 15 smugglers were arrested for transporting 700 people bound for **Germany** at a total cost of more than €2.5 million (\$2.8 million).<sup>170</sup>

Steep pricing such as this can result in families falling into severe debt, a predicament which often leads to violent situations as the smugglers will rely on extreme measures to ensure that migrant children and their families pay them in full.<sup>171</sup> In situations of financial desperation, children generally, and unaccompanied children specifically, may also be forced to engage in transactional sex to financially sustain themselves.<sup>172</sup>

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<sup>162</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 32.

<sup>163</sup> UNICEF, *Harrowing Journeys*, *supra* note 43, at 20-29.

<sup>164</sup> *Alone and Unsafe: Children, migration, and sexual and gender-based violence*, *supra* note 158, at 15.

<sup>165</sup> UNICEF, *A Deadly Journey for Children*, *supra* note 114.

<sup>166</sup> Claus Bech Hansen et al., *supra* note 40, at 55.

<sup>167</sup> UNHCR, *From a Refugee Perspective* 19, Apr. 2017, at <https://www.unhcr.org/5909af4d4.pdf> (last visited Feb. 3, 2022).

<sup>168</sup> Associated Press, *Smugglers Net Millions per Kilometer from Migrants Crossing Channel*, VOA, Nov. 27, 2021, at <https://www.voanews.com/a/smugglers-net-millions-per-kilometer-from-migrants-crossing-channel/6330386.html> (last visited Feb. 18, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 32.

<sup>172</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55, at 22-23.

When evaluating the likelihood of sexual abuse and exploitation, it is imperative to consider the safety conditions of transit countries. In a historically politically unstable country like **Libya**, for example, it has been reported that 80% of children on the move experienced some form of violence, abuse, or exploitation.<sup>173</sup> In some countries, those responsible for protecting children, such as border guards, local law enforcement, aid workers, and detention center officers, may be the ones abusing them.<sup>174</sup> This is especially true in the case in regions of the world with weak or corrupt institutional frameworks that disregard the legal rights of children. Children may be arrested at border crossings, detained in detention facilities, and, thus, separated from their families.<sup>175</sup> Without the protection of their families, migrant children in detention are increasingly vulnerable to sexual abuse and exploitation. Importantly, the underreporting of sexual abuse within these spaces, especially against young migrant boys, remains a significant issue.<sup>176</sup>

Finally, refugee camps can serve as areas where traffickers seek and exploit residing youth who are unaccompanied.<sup>177</sup> The risk of sexual abuse for girls within these camps is alarmingly high. In the Greek Moria Camp, the child protection policies which advise young girls not to use male sanitation areas for fear of potential sexual abuse.<sup>178</sup> Furthermore, the high risk of sexual violence at the camp has driven women and girls to wear diapers at night to avoid leaving their tents.<sup>179</sup>

At a government run camp in Greece, a seven-year-old girl was sexually assaulted by a man, from one of the ‘mafia’ groups, who lured her into his tent using a phone; she was later found with bruises on her arms and neck, unable to understand and articulate what had happened to her.

Source: Mark Townsend, ‘Sexual assaults on children’ at Greek refugee camps, *The Guardian*, Aug. 13, 2016, at <https://www.theguardian.com/world/2016/aug/13/child-refugees-sexually-assaulted-at-official-greek-camps> (last visited Feb. 3, 2022).

### **Risks of Abuse during Arrival in Destination**

Children on the move remain vulnerable to sexual exploitation even after resettling in their destination. Regions with nonexistent or weak child protection infrastructures are especially susceptible to child exploitation.<sup>180</sup> According to a study of unaccompanied children from the **Horn**

<sup>173</sup> Claus Bech Hansen et al., *supra* note 40, at 55.

<sup>174</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 28.

<sup>175</sup> UNICEF, *Beyond Borders*, *supra* note 88, at Chapter 3, 20-25.

<sup>176</sup> Alone and Unsafe: Children, migration, and sexual and gender-based violence, *supra* note 158, at 15.

<sup>177</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 40.

<sup>178</sup> Jacqueline Bhabha et al., *Children on the Move*, *supra* note 92, at 43.

<sup>179</sup> Annie Chapman, *A doctor’s story: inside the ‘living hell’ of Moria refugee camp* 44, *THE GUARDIAN*, Feb. 9, 2020, at <https://www.theguardian.com/world/2020/feb/09/moria-refugee-camp-doctors-story-lesbos-greece> (last accessed Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>180</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55, at 19.



**of Africa**, approximately 72% had experienced more than one incident of sexual violence upon their arrival in the **United Kingdom**.<sup>181</sup> The study finds that most of these violations occur within the first 12 months of a child's resettlement in the country.<sup>182</sup> For unaccompanied or separated children on the move who have been placed in detention centers, the likelihood of sexual exploitation increases significantly when they are housed with unrelated adults of the opposite gender.<sup>183</sup> Multiple sources have documented how children on the move are placed in such housing arrangements, often crowded with no child-specific oversight. In **Greece** and **Serbia**,<sup>184</sup> recent reports show that unaccompanied children suffered sexual abuse in Serbia's Central Belgrade region at the hands of their adult housemates.<sup>185</sup> In **Australia** and the **United States**, reports of sexual assault have occurred whenever children were housed with unrelated or unfamiliar adult detainees.<sup>186</sup> Furthermore, unaccompanied children within these settings are not only victimized by unrelated adults, but by other unaccompanied children as well.<sup>187</sup> The racial, cultural, socioeconomic, and demographic diversity of the children detained can also create an atmosphere where children may utilize violence, particularly sexual violence, to establish dominance over other children from marginalized groups.<sup>188</sup>

The lack of trust fomented in these unsafe living conditions often compels children to establish their own refugee sites outside of the purview of the state and international organizations.<sup>189</sup> The decision to venture away from the established refugee sites heightens the exposure to sexual abuse and exploitation. Neighboring older men will often linger around the vicinity of these camps to exploit the children's financially desperate circumstances.<sup>190</sup> Additionally, the lack of employment opportunities available to children on the move, and the fact that many children are unaware of their legal rights, may force them to engage in illicit activities such as transactional sex, begging, and stealing.<sup>191</sup>

### Other Risks Arising as a Result of the Migration Process

There are several other risks that negatively impact the physical and psychological wellbeing of children as they move throughout their journeys. Unfortunately, studies have shown that LGBTQ+ children on the move face wide-spread discrimination and a decreased level of care upon arrival to their destination.<sup>192</sup> Other forms of discrimination refugee children may face include xenophobia and racism, which can negatively affect access to educational services and heighten vulnerability to exploitation, violence, and abuse.<sup>193</sup>

Experiencing and witnessing violence and abuse can also seriously harm the mental health of detained migrant and refugee children. Psychological trauma is a significant concern when children are separated from their families or forcibly removed from their caregivers. Studies have found

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<sup>181</sup> Alone and Unsafe: Children, migration, and sexual and gender-based violence, *supra* note 158, at 17.

<sup>182</sup> *Id.*

<sup>183</sup> UNICEF, A Child is a Child: Protecting children on the move from violence, abuse, and exploitation, *supra* note 33, at 31.

<sup>184</sup> Alone and Unsafe: Children, migration, and sexual and gender-based violence, *supra* note 158, at 16.

<sup>185</sup> UNICEF, A Child is a Child: Protecting children on the move from violence, abuse, and exploitation, *supra* note 33, at 28.

<sup>186</sup> Jacqueline Bhabha et al., Children on the Move, *supra* note 92, at 43.

<sup>187</sup> *Id.*

<sup>188</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55, at 19.

<sup>189</sup> *Id.* at 20.

<sup>190</sup> Alone and Unsafe: Children, migration, and sexual and gender-based violence, *supra* note 158, at 17.

<sup>191</sup> Amanda Jayne Mason-Jones & Phoebe Nicholson, *supra* note 157, at 158. See also, Jacqueline Bhabha et al., Children on the Move, *supra* note 92, at 41, 44.

<sup>192</sup> Claus Bech Hansen et al., *supra* note 40, at 57.

<sup>193</sup> *Id.*

delays in emotional development among detained children, as well as poor psychological adjustment that can negatively impact their performance in school.<sup>194</sup> Studies on detained immigrant children in the **United States** have found high rates of post-traumatic stress disorder (PTSD), anxiety, depression, and suicidal ideation among the population.<sup>195</sup> Other behavioral issues include loss of appetite, sleep disturbances, aggressive behavior, and engaging in self-harm.<sup>196</sup> Research on Afghan migrant children deported from **Iran** found that these youth often require psychosocial support to cope with the exploitation they experienced during their journey.<sup>197</sup> Furthermore, reports on refugee children detained by the Australian government on the island of **Nauru** in 2018 show that children as young as 8 years old have attempted suicide and self-harm as a result of the traumatic sexual abuse they suffered.<sup>198</sup> These findings suggest that trauma is deeply embedded within the migration process and is especially heightened for children on the move.<sup>199</sup>

Child sexual exploitation has been shown to cause various risks in the overall wellbeing of migrant and refugee children, including increases in sexually transmitted diseases, depression, feeling of shame, and self-destructive behavior such as drug and alcohol abuse.<sup>200</sup> Children on the move who have been sexually exploited may also be stigmatized by and ostracized from their own community. For example, child migrants in camps in **Greece** have experienced psychosocial violence at the hands of the same criminal networks that subjected them to sexual exploitation.<sup>201</sup> Such violence can take the form of blackmailing children by threatening to show or showing sexually explicit photographs of them to their family members who may then be forced to not speak out about the violence as to avoid shame. In turn, this can allow the physical and sexual exploitation of the child to continue, taking a grave toll on their long-term psychological health.<sup>202</sup>

Children with legal status may also be at greater risk during the asylum application process as they may have to wait years before the asylum process is complete.<sup>203</sup> Unfortunately, their safety is not guaranteed during this extended period and there are few systems in place to address this concern. Such systemic discrimination against children on the move could suggest that some countries'

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<sup>194</sup> Julie M. Linton, MD, FAAP, et al., *supra* note 156, at 6.

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> UNICEF, *Beyond Borders*, *supra* note 88, at Chapter 3, 20-25.

<sup>198</sup> Virginia Harrison, *Nauru Refugees: The island where children have given up on life*, BBC NEWS, Sep. 1, 2018, at <https://www.bbc.com/news/world-asia-45327058> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>199</sup> *APHA Opposes Separation of Immigrant and Refugee Children and Families at U.S. Borders*, AMERICAN PUBLIC HEALTH ASSOCIATION (APHA), Nov. 13, 2018, at <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/separation-of-immigrant-and-refugee-children-and-families> (last visited Feb. 3, 2022) (on file with the International Centre of Missing & Exploited Children).

<sup>200</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55, at 27.

<sup>201</sup> *Id.*

<sup>202</sup> *Id.* at 22.

<sup>203</sup> Claus Bech Hansen et al., *supra* note 40, at 62.

migration policies are in violation of the principle of non-refoulement,<sup>204</sup> as guaranteed in the 1951 Refugee Convention.<sup>205</sup>

Children on the move may also be without legal status due to the loss of citizenship identification documents, the inability of their parents to pass on citizenship due to national citizenship laws, or the lack of registered birth certificates because they were born during their parents' migration process.<sup>206</sup> Migrant children without legal status are more likely to take irregular means of travel, which expose them to many dangers including detention, kidnapping, and a lack of access to basic services.<sup>207</sup> According to a 2018 study conducted by UNICEF and 4Mi on the experiences of over 870 children on the move in southern Africa, 12% of respondents stated that they had been kidnapped or held against their will, with over 80% of perpetrators being identified as smugglers or criminals.<sup>208</sup> This suggests that children who lack legal status are often forced to rely on alternative means such as smugglers, making them more susceptible to exploitation.

Children without legal status are especially vulnerable to disappearances and death due to the perilous paths they take on their journey – some never reach their destination. If children on the move are unable to attain legal status in the destination country, the added strain of stringent immigration policies subsequently creates an impasse. The children may be unwilling to ask for assistance due to the difficulty of accessing services such as healthcare, social protection, and education.<sup>209</sup> The lack of such services exacerbates the level of vulnerability among the migrant and refugee child population.<sup>210</sup>

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<sup>204</sup> In international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status. See, OHCHR, *The principle of non-refoulement under international human rights law*, at <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf> (last visited Feb. 3, 2022).

<sup>205</sup> UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, Jan. 26, 2007, at <https://www.unhcr.org/4d9486929.pdf> (last visited Feb. 3, 2022).

<sup>206</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 40-41.

<sup>207</sup> Claus Bech Hansen et al., *supra* note 40, at 61.

<sup>208</sup> *Id.*

<sup>209</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 40.

<sup>210</sup> *Id.*

# By the Numbers

## Global Data

The UN's World Migration Report 2022 reported 281 million international migrants of which an estimated 41 million were child migrants, 26.4 million were refugees, and 55 million were internally displaced persons.<sup>211</sup>

“ ..of the estimated 7.1 million school-aged refugee children around the world, 3.7 million were out of school [in 2019]. When further examined by age, although 77% of primary school-aged refugee children are enrolled in schools, that number drastically reduces to 31% for secondary school enrollment and just 3% for higher education enrollment.<sup>212</sup>

By the end of 2019, 79.5 million people were forcibly displaced globally due to persecution and conflict.<sup>213</sup> More than two thirds of all forcibly displaced persons come from one of the following countries: **Afghanistan, Myanmar, South Sudan, Syria, and Venezuela**.<sup>214</sup> In 2019, the country with the largest share of child migrants in its international migrant population was **Mexico** at 61.8%.<sup>215</sup> **Uganda** followed next at 57.6%, and **Albania** came third at 52.8%.<sup>216</sup>

According to the International Labour Organization (ILO), 19% of children for their labor, and 74% of children who were sexually exploited involved cross-border movement in 2012;<sup>217</sup> **Western and Southern Europe** as well as the **Middle East** have the highest number of cross-border trafficking victims.<sup>218</sup> Trafficking of women and girls for sexual exploitation is most often reported in the **Americas, Europe, East Asia, and the Pacific**.<sup>219</sup> Child trafficking in particular is most prevalent in

<sup>211</sup> IOM UN Migration, *World Migration Report 2022*, Dec. 1, 2021, at <https://publications.iom.int/books/world-migration-report-2022> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>212</sup> Ellen Lasko, *The Impact of COVID-19 on Refugee Education*, REFUGEE INTERNATIONAL, May 10, 2021, at <https://www.refugeesinternational.org/reports/2021/5/10/the-impact-of-covid-19-on-refugee-education#:~:text=In%202019%2C%20the%20United%20Nations,million%20were%20out%20of%20school> (last visited Feb. 22, 2022).

<sup>213</sup> UNHCR, *Global Trends: Forced Displacement in 2018*, *supra* note 35, at 2.

<sup>214</sup> *Id.*

<sup>215</sup> United Nations Department of Economic and Social Affairs (UN DESA), *International Migrant Stock 2019: Mexico Country Profile*, 2019, at <https://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>216</sup> *Id.*

<sup>217</sup> International Organization for Migration (IOM), *Global Migration Indicators 2018* 34, GLOBAL MIGRATION DATA ANALYSIS CENTRE (GMDAC), 2018, at <https://publications.iom.int/books/global-migration-indicators-2018> (last visited Feb. 3, 2022).

<sup>218</sup> UNODC, *Global Report on Trafficking in Persons 2018* 9, Dec. 2018, at [https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>219</sup> *Id.* at 10.

**West Africa**, and children under 18 account for one in three of all trafficking victims globally.<sup>220</sup> The **Mediterranean** is home to the largest population of missing migrants: 3,139 deaths and disappearances were recorded in 2017.<sup>221</sup> The data regarding children are especially concerning—678 children died in the **Mediterranean** between 2014 and 2018, and 1,593 children died while moving globally.<sup>222</sup>

“At least 100 countries around the world are known to detain children for migration-related reasons.”<sup>223</sup>

Of the 16.2 million asylum applications that were registered across 117 countries or territories between 2010-2019, 400,000 belonged to unaccompanied and separated children.<sup>224</sup>

## Regional Data

### The Americas

In the Americas, 4 out of 5 child migrants live in just three countries: **Canada**, **Mexico**, and the **United States**.<sup>225</sup> These child migrants primarily emigrate from the Northern Triangle region, with 95% of arrivals since 2014 coming from **El Salvador**, **Guatemala**, and **Honduras**.<sup>226</sup> However, as mentioned, **Mexico** has the highest share of child migrants of the global migrant population.<sup>227</sup> Moreover, in 2016, child and youth migrants made up approximately 10% of the total migrant population in the Americas, and 43% of those in **Central America**.<sup>228</sup> In total, in 2016, the Americas were home to 6.3 million child migrants, which represents 21% of the global child migrant population.<sup>229</sup>

“1 in 5 of the world’s 281 million migrants in 2020 lived in Canada and the United States.”<sup>230</sup>

In 2020, just over 58 million migrants lived in **Canada** and the **United States**—more than 20% of the world’s migrant population—nearly 4 million of whom were child migrants.<sup>231</sup>

<sup>220</sup> *Id.* at 9; See also, UNODC, *Global Report on Trafficking in Persons 2020* 4, 2020, at [https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>221</sup> IOM, *Global Migration Indicators 2018*, *supra* note 215, at 32.

<sup>222</sup> Martha Sanchez and Kate Dearden, *supra* note 39.

<sup>223</sup> UNICEF, *Beyond Borders*, *supra* note 88, at 14.

<sup>224</sup> UNHCR, *Global Trends: Forced Displacement in 2019*, *supra* note 31, at 4.

<sup>225</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107.

<sup>226</sup> Julie M. Linton, MD, FAAP, et al., *supra* note 156, at 1.

<sup>227</sup> United Nations Department of Economic and Social Affairs, *International Migrant Stock 2019: Mexico Country Profile*, *supra* note 217.

<sup>228</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 9.

<sup>229</sup> *Id.* at 6.

<sup>230</sup> *Id.*

<sup>231</sup> *Migration Data in North America*, MIGRATION DATA PORTAL, 2021, at <https://www.migrationdataportal.org/regional-data-overview/migration-data-northern-america> (last visited Feb. 18, 2022).

From 2013-2017, more than 200,000 unaccompanied children migrated to the **United States** and since 2016, almost 60,000 have been apprehended by U.S. Border Patrol.<sup>232</sup> Furthermore, in the first half of the 2021 fiscal year, 226,000 migrants from the **Northern Triangle** arrived along the U.S.-Mexico border, of which 34,000 were unaccompanied minors.<sup>233</sup> When these children are required to attend legal proceedings related to their immigration status, approximately 45%, are not accompanied by an attorney and are subsequently are deported from the **United States**.<sup>234</sup> Upon deportation, they become vulnerable to a new set of dangers, many of which they first face during their journey to the **United States**. Between January-September 2021, UNICEF registered 29 reports of sexual abuse among adolescent girls on their journey to the United States though they suspect this number is much higher.<sup>235</sup> It is evident that child migrants in the Americas face considerable threats to their wellbeing and it is increasingly important to raise awareness and concern over the issue especially given the Americas already large and growing child migrant population.

## Africa

Africa has one of lowest rates of child migration globally, as only 1 in 90 children resides outside their country of birth.<sup>236</sup> While total rates of migration are low, the share of children among **Africa's** migrant population is the largest of any region.

“ Nearly one in three African migrants is a child, a figure twice the global average, and one-half of all African refugees are children – an estimated 3 million children forced out of their own countries.<sup>237</sup> ”

**West** and **Sub-Saharan Africa** account for the world's largest population of child trafficking victims, with the latter being the region of origin for 64% of child trafficking victims globally.<sup>238</sup> In **West Africa**, **Cameroon**, **Ghana**, **Nigeria**, and **Senegal** have been identified as source, transit, and destination countries for cross-border trafficking.<sup>239</sup> Adolescents and youth from **Sub-Saharan Africa** are at a particularly high risk of trafficking and exploitation compared to those from other regions. For all youth migrating on the **Eastern Mediterranean** route the risk of trafficking and exploitation is four times higher for Sub-Saharan African youth than others. For the **Central Mediterranean** route, 83% of Sub-Saharan African youth report exploitation compared to the 56% of youth from other regions of the **Mediterranean**.<sup>240</sup>

<sup>232</sup> UNICEF, *Beyond Borders*, *supra* note 88, at 36, 42.

<sup>233</sup> IOM UN Migration, *World Migration Report 2022*, *supra* note 211.

<sup>234</sup> Julie M. Linton, MD, FAAP, et al., *supra* note 156, at 7.

<sup>235</sup> UNICEF, *2021 records highest ever number of migrant children crossing the Darien jungle towards the US - UNICEF*, Oct. 11, 2021, at <https://www.unicef.org/lac/en/press-releases/2021-records-highest-ever-number-migrant-children-crossing-darien-towards-us> (last visited Feb. 3, 2022).

<sup>236</sup> UNICEF, *Child Refugees Fast Facts*, 2018, at <https://www.unicef.nl/files/Child-Refugees-Fast-Facts.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>237</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 8.

<sup>238</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 35.

<sup>239</sup> UNODC, *Global Report on Trafficking in Persons 2018*, *supra* note 218, at 9.

<sup>240</sup> UNICEF, *Harrowing Journeys*, *supra* note 43.



An estimated 86% of African refugees are granted asylum in other African countries.<sup>241</sup> The largest number of unaccompanied and separated child refugees was reported in **Uganda** with 41,200 children registered in 2018. The majority of these children were under age 15 and 2,800 children under five years of age.<sup>242</sup> **Uganda** is also home to the largest share of child migrants on the continent.<sup>243</sup> **South Sudan** continues to be the primary country of origin for unaccompanied and separated child refugees.<sup>244</sup> From 2019-2020, 65,000 South Sudanese children were identified as unaccompanied or separated.<sup>245</sup>

## Asia

Asia is home to the largest population of child migrants in the world: 39% of all international child migrants live in the region.<sup>246</sup>

“ According to UNESCO, nearly 15 million Asians under the age of 20 are migrants.”<sup>247</sup>

**Asia** presents significant challenges to the safety of children on the move in the region for several reasons such as the prevalence of one of the highest rates of child trafficking in the world as well as ongoing conflict in the region.<sup>248</sup> An additional challenge to migrant children’s safety is the existence of numerous ethnic minority communities that are effectively excluded from full participation in the economic, social, and political institutions.<sup>249</sup> Moreover, poverty continues to be a significant problem, and forced migration from rural to urban areas has increased in recent years. Asia is also home to several extremely densely populated refugee camps, including the world’s largest, Kutupalong, in **Bangladesh** that houses over 800,000 refugees.<sup>250</sup> Each of the above-stated factors increases the risks to, and vulnerability of, child migrants and children seeking asylum.

<sup>241</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 8.

<sup>242</sup> UNHCR, *Global Trends: Forced Displacement in 2018*, *supra* note 35, at 49.

<sup>243</sup> United Nations Department of Economic and Social Affairs (UN DESA), *International Migrant Stock 2019: Uganda Country Profile, 2019*, at <https://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>244</sup> *Id.* at 3.

<sup>245</sup> UNHCR, *South Sudan Regional Refugee Response Plan 10, 2020*, at <https://www.unhcr.org/5c330cf34.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>246</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 6.

<sup>247</sup> UNESCO, *Internal Migration in Southeast Asia: Towards Better Inclusion of Internal Migrants – Key Messages and Recommendations*, Jan. 24, 2018, at <https://bangkok.unesco.org/sites/default/files/assets/article/Social%20and%20Human%20Sciences/publications/Brief%201%20-%20Key%20Messages%20and%20Recommendations.pdf> (last visited Feb. 3, 2022).

<sup>248</sup> Mely Caballero-Anthony, *A Hidden Scourge*, *International Monetary Fund - Finance & Development*, Sep. 2018, Vol. 55, No. 3, at <https://www.imf.org/external/pubs/ft/fandd/2018/09/human-trafficking-in-southeast-asia-caballero.htm#:~:text=Forced%20marriages%20of%20young%20women,of%20sexual%20abuse%20of%20children> (last visited Feb. 3, 2022).

<sup>249</sup> Keith Dede, *Ethnic Minorities in China*, ASIA SOCIETY, at <https://asiasociety.org/ethnic-minorities-china> (last visited Feb. 3, 2022). See also, Socialist Republic of Viet Nam Government, *Ethnic Groups in Vietnam*, CHINHPHU.VN, at <http://www.chinhphu.vn/portal/page/portal/English/TheSocialistRepublicOfVietnam/AboutVietnam/AboutVietnamDetail?categoryId=10000103&articleId=10002652> (last visited Feb. 3, 2022). See also, *People of India - Ethnic Groups*, BRITANNICA, at <https://www.britannica.com/place/India/People> (last visited Feb. 3, 2022).

<sup>250</sup> *Inside the Kutupalong refugee camp, Cox's Bazar*, MALTESER INTERNATIONAL, 2022, at [https://www.malteser-international.org/en/our-work/asia/bangladesh/life-in-a-refugee-camp.html?gclid=Cj0KCQiAw\\_H-BRD-ARIsALQE\\_2ML8LjmleWI72qCSuVkJmZa15xXBUUmWgGVp-ICMkaDRshnujRag8aAgdCEALw\\_wcB](https://www.malteser-international.org/en/our-work/asia/bangladesh/life-in-a-refugee-camp.html?gclid=Cj0KCQiAw_H-BRD-ARIsALQE_2ML8LjmleWI72qCSuVkJmZa15xXBUUmWgGVp-ICMkaDRshnujRag8aAgdCEALw_wcB) (last visited Feb. 3, 2022).

Of the migrant children that arrived in **Europe** in the first half of 2020, the most common country of origin was **Syria**.<sup>251</sup> The most common country of origin for unaccompanied and separated child asylum seekers was **Afghanistan**.<sup>252</sup> In September 2021, the number of all asylum applications received within the **EU** from **Afghanistan** was more than 17,000 roughly double those that were received from Syrian migrants.<sup>253</sup> This data also reflects the first time in the past seven years that **Syria** was not the main country of origin.<sup>254</sup>

An infant boy handed in desperation to a soldier across an airport wall in the chaos of the American evacuation of Afghanistan has been found and was reunited with his relatives. The baby, Sohail Ahmadi, was just two months old when he went missing on 19 August 2021, as thousands of people rushed to leave Afghanistan as it fell to the Taliban.

In December 2021, ICMEC and its partners in the Global Missing Children's Network (GMCN) participated in the efforts to recover the child. ICMEC distributed photos of the child to the members of the GMCN and asked that the partners reach out to their communities and local and regional refugee agencies. With the help of technology partner WebIQ, a founding member of the GMCNgin™, ICMEC was also able to leverage new facial recognition technology to confirm a potential match between photos provided by the family and sources in Afghanistan. This information was passed along to the appropriate contacts to aid in the ongoing efforts to locate and recover the child.

Source: Mica Rosenberg, Jonathan Landay, & James Mackenzie, *Exclusive: Baby lost in chaos of Afghanistan airlift found, returned to family*, Reuters, Jan. 9, 2022, at <https://www.reuters.com/world/asia-pacific/exclusive-baby-lost-chaos-afghanistan-airlift-found-returned-family-after-long-2022-01-08/> (last visited Feb. 3, 2022).

Since February 2021, more than 76,000 children in **Myanmar** have been displaced by violence and forced to flee their homes.<sup>255</sup> There are now over 1.2 million people in **Myanmar** who have been internally displaced or are stateless.<sup>256</sup>

### Middle East/North Africa

Over the past decade, massive internal and cross-border forced migration caused by conflict has affected millions of people across the **Middle East** and **North Africa**. The UNESCO Regional Office for Education in the Arab States and the UN World Food Programme have reported that 15 million

<sup>251</sup> UNICEF, UNHCR, & IOM, *Latest statistics and graphics on refugee and migrant children, 2020*, at <https://www.unicef.org/eca/emergencies/latest-statistics-and-graphics-refugee-and-migrant-children> (last visited Feb. 3, 2022).

<sup>252</sup> UNHCR, *Global Trends: Forced Displacement in 2018*, *supra* note 35, at 49.

<sup>253</sup> European Union Agency for Asylum (EUAA), *Afghans lodge 72 % more asylum applications in the EU+*, Dec. 3, 2021, at <https://euaa.europa.eu/news-events/afghans-lodge-72-more-asylum-applications-eu#:~:text=In%20September%202021%2C%20Afghans%20lodged,for%20seven%20years%20until%20July> (last visited Feb. 3, 2022).

<sup>254</sup> *Id.*

<sup>255</sup> *Myanmar: More than 76,000 children displaced by violence since coup, with pregnant women forced to give birth in forest*, RELIEFWEB, Oct. 3, 2021, at <https://reliefweb.int/report/myanmar/myanmar-more-76000-children-displaced-violence-coup-pregnant-women-forced-give-birth> (last visited Feb. 18, 2022).

<sup>256</sup> *The Refugee Brief - 11 February 2022*, UNHCR, Feb. 11, 2022, at <https://www.unhcr.org/refugeebrief/latest-issues/> (last visited Feb. 18, 2022).

children in the region are out of school and that number is expected to increase by an additional 5 million by 2030.<sup>257</sup>

“The situation in Syria continues to drive the largest refugee crisis in the world. There remain over 5.5 million registered refugees from Syria in the main hosting countries — Turkey, Lebanon, Jordan, Iraq and Egypt, and 2.6 million are children,” [the UN High Commission for Refugees’ (UNHCR) regional spokesperson, Rula Amin] told Arab News.<sup>258</sup>

**Saudi Arabia** has the largest percentage of child migrants residing within **Asia** and the third largest percentage in the world.<sup>259</sup> **Jordan** has the largest share of child migrants out of the total migrant population residing in the country.<sup>260</sup> **Lebanon**, also hosts large child migrant populations due to the ongoing political turmoil in the region.<sup>261</sup> Causes of child exploitation differ regionally. In the **Middle East**, thousands of children have been abducted by armed groups and exploited for combat.<sup>262</sup> Moreover, in **Yemen** and **Syria**, 16.1 million children are suffering as a result of conflicts throughout the region in 2021 alone.<sup>263</sup> In addition to armed conflict, in 2021, factors such as COVID-19 threatened the lives of 35.1 million children in the **Middle East** and **North Africa**, including 7.2 million internally displaced children.<sup>264</sup> It is estimated that in 2022 there will be as many as 19.9 million refugees and internally displaced people in this region.<sup>265</sup>

“1 in 6 of the world’s child migrants reside in Europe.”<sup>266</sup>

## Europe

In Europe, most child migrants first travel into **Bulgaria, Cyprus, Greece, Italy, Malta, and Spain** and either remain there or migrate to other European countries. Between January and December 2020, some 6,200 children arrived in these six countries, of whom 2,302 (37%) were unaccompanied or separated children.<sup>267</sup> In 2020, **Germany** received the most asylum claims in **Europe** from this

<sup>257</sup> UNESCO, *Millions of Children in Middle East and North Africa are Missing Out On Education*, UNESCO and WFP Say, Jan. 27, 2020, at <https://en.unesco.org/news/millions-children-middle-east-and-north-africa-are-missing-out-education-unesco-and-wfp-say> (last visited Feb. 3, 2022).

<sup>258</sup> Jumana Khamis & Robert Edwards, *For Middle East children, pandemic adds to misery of displacement*, ARAB NEWS, Oct. 21, 2020, at <https://www.arabnews.com/node/1751711/middle-east> (last visited Feb. 3, 2022).

<sup>259</sup> United Nations (UN), *International Migration Report: 2019, 2019*, at [https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019\\_Report.pdf](https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019_Report.pdf) (last visited Feb. 16, 2022).

<sup>260</sup> United Nations Department of Economic and Social Affairs (UN DESA), *International Migrant Stock 2019: Jordan Country Profile*, 2019, at <https://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>261</sup> *Id.*

<sup>262</sup> UNODC, *Global Report on Trafficking in Persons 2018*, *supra* note 218, at 12.

<sup>263</sup> UNICEF, *Humanitarian Action for Children in the Middle East and North Africa 2022*, Dec. 8, 2021, RELIEFWEB, at <https://reliefweb.int/sites/reliefweb.int/files/resources/2022-HAC-MENA.pdf> (last visited Feb. 3, 2022).

<sup>264</sup> *Id.*

<sup>265</sup> *Id.*

<sup>266</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 40-41.

<sup>267</sup> UNHCR, UNICEF, & IOM, *Refugee and Migrant Children in Europe*, *supra* note 66.

population of child migrants.<sup>268</sup> Most child migrant arrivals come from **Afghanistan** (27%), **Syria** (27%), and **Pakistan** (24%) with the remaining 22% originating from **Algeria, Bangladesh, Iran, Iraq, Morocco, Palestine**, and other countries.<sup>269</sup> In **Europe**, children make up only 11% of the total migrants in the region.<sup>270</sup> Furthermore, compared to the rest of Europe, in 2019, **Albania** received the largest share of child migrants.<sup>271</sup>

Out of the total number of children who sought international protection in **Europe** in 2018, almost 70% were registered in just three countries: **Germany** (78,280), **France** (24,135), and **Greece** (21,770).<sup>272</sup> From 2014-2017, Europol estimated that more than 10,000 migrant and refugee children went missing upon arrival in shelters or reception centers.<sup>273</sup> In 2016, the UN Office on Drugs and Crime (UNODC) reported that 370,000 migrants were smuggled into **Europe** by sea.<sup>274</sup> Unfortunately, thousands die crossing the **Mediterranean** between countries like **Libya** and **Italy**, many of them children.<sup>275</sup> The dangers children face are innumerable and as conflicts continue in the **Middle East** and **Africa**, **Europe** will continue to see an inflow of child migrants.

## Oceania

In Oceania, of the 41 million people in the region, 8.7 million are migrants, as of 2019.<sup>276</sup> Most migrants and refugees, including children, reside in **Australia, Palau, New Zealand, and Nauru**, respectively.<sup>277</sup> In **Australia** alone, 30% of the population are migrants with origin countries ranging from the **United Kingdom, China, New Zealand, India**, and the **Philippines**, respectively.<sup>278</sup> Children represent 6% of migrants in Oceania and 2.6% of the global child migrant population.<sup>279</sup> Within Oceania, in 2019 **Samoa** received the largest share of child migrants.<sup>280</sup> Although smaller in comparison, Oceania too has seen an increase in child migrant arrivals. In fact, between 1990 and 2015 the number of child migrants increased from 430,000 to approximately 670,000.<sup>281</sup> Like in other

<sup>268</sup> UNHCR, Global Trends: Forced Displacement in 2018, *supra* note 35, at 49.

<sup>269</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55, at 6-15.

<sup>270</sup> Inter-Agency Group on Children on the Move, *The UN High Level Dialogue on Migration and Development 2013: Why Children Matter. Background Paper*, SAVE THE CHILDREN, Apr. 2013, at [https://www.savethechildren.net/sites/default/files/IAG%20CoM%20Background%20paper%20for%20CoM%20Side%20Event%20Meeting\\_Geneva%20copy.pdf](https://www.savethechildren.net/sites/default/files/IAG%20CoM%20Background%20paper%20for%20CoM%20Side%20Event%20Meeting_Geneva%20copy.pdf) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>271</sup> United Nations Department of Economic and Social Affairs (UN DESA), *International Migrant Stock 2019: Albania Country Profile*, 2019, at <https://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>272</sup> UNHCR, UNICEF, & IOM, Refugee and Migrant Children in Europe, *supra* note 66.

<sup>273</sup> Lauren Collins, *Europe's Child Refugee Crisis*, THE NEW YORKER, Feb. 19, 2017, at <https://www.newyorker.com/magazine/2017/02/27/europes-child-refugee-crisis> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>274</sup> IOM, Global Migration Indicators 2018, *supra* note 217, at 36.

<sup>275</sup> UNICEF, A Deadly Journey for Children, *supra* note 114, at 2.

<sup>276</sup> UN DESA, *International migrant stock 2019, 2020*, at <https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp> (last visited Feb. 3, 2022).

<sup>277</sup> *Migration Data in Oceania*, MIGRATION DATA PORTAL, 2021, at <https://www.migrationdataportal.org/regional-data-overview/oceania> (last visited Feb. 3, 2022).

<sup>278</sup> *Id.*

<sup>279</sup> UNICEF, Uprooted: The Growing Crisis for Refugee and Migrant Children, *supra* note 107, at 40-41. See also, *Child and Young Migrants*, MIGRATION DATA PORTAL, May 2021, at <https://www.migrationdataportal.org/themes/child-and-young-migrants> (last visited Feb. 3, 2022).

<sup>280</sup> United Nations Department of Economic and Social Affairs (UN DESA), *International Migrant Stock 2019: Samoa Country Profile*, 2019, at <https://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>281</sup> *Id.*



regions, child migrants in Oceania also face the possibility of separation from their families and exploitation. Smugglers often abduct children in port cities to meet quotas before the children embark on their journey to Oceania, a trip where the children are exposed to unsanitary and dangerous conditions.<sup>282</sup> Additionally, while some countries have considered using detention as a deterrent to reduce the chances of migration this was later found to be both cruel and ineffective.<sup>283</sup>

Australia has a national asylum system in place to determine whether people claiming asylum are refugees and are owed protection (UNHCR, n.d.), and implements policies which prevent people who arrive by boat from seeking asylum. According to the Australian Department of Home Affairs (n.d.), anyone who attempts an unauthorized boat voyage to Australia is turned back to their point of departure, returned to their home country or transferred to another country for processing. This has included transfer to a processing centre in Nauru or, previously, Papua New Guinea (Australian Border Force, 2019a). Between 2012-2019, over 4,100 people were transferred under these arrangements including 120 children (Australian Border Force, 2019b).

Source: *Migration Data in Oceania*, Migration Data Portal, 2021, at <https://www.migrationdataportal.org/regional-data-overview/oceania> (last visited Feb. 3, 2022).

The Australian Government maintained a policy of mandatory detention in which upon arrival, children, like all other migrant populations unfortunately faced the threat of overcrowded detention centers.<sup>284</sup> For instance, in 2017, it was estimated that 2,000 children were being held in some form of immigration detention center.<sup>285</sup> While Oceania has less child migrants than other regions of the world, it remains a place where child migrants still face similar threats and dangers.

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<sup>282</sup> UNICEF, *Uprooted: The Growing Crisis for Refugee and Migrant Children*, *supra* note 107, at 40-41.

<sup>283</sup> UNICEF, *A Child is a Child: Protecting children on the move from violence, abuse, and exploitation*, *supra* note 33, at 31.

<sup>284</sup> *Id.*

<sup>285</sup> *Id.*

# Impact of Trauma and Stress Related to Migration

## Health & Social Impacts

### Health impact

Child immigrants and refugees are at high risk for numerous adverse experiences during their migratory journey, many of which are a major source of complex trauma. In transit, physical and sexual assault is common. Moreover, exploitation by gangs, smugglers, and traffickers during the migration journey is widespread.<sup>286</sup> Border crossings may be violent or involve forced drug smuggling by gangs manipulating children on the move. Further sources of trauma en route and within the destination country include xenophobia and discrimination, negative effects of prolonged detention, and separation from loved ones.<sup>287</sup>

Traumatic experiences may also occur in the destination country at the time of border crossing, during detention, and after resettlement in the host country. This can take the form of sexual and physical assault by those in authority.<sup>288</sup> Conditions in refugee camps and detention centers may be extremely poor and cause trauma through family separation, isolation, overcrowding, deprivation of basic necessities, violence at the hands of family members, staff, and others in the community.<sup>289</sup> Stress, poverty, limited opportunities for schooling or employment, and a loss of control and social structure can lead to poor family relations. Concerns about sexual violence may force parents to consent to child marriage.<sup>290</sup> It is evident that throughout the entire experience children face considerable stress caused by the constant uncertainty and lack of control. Adolescents struggling with their identity and the need to exert independence also face constant challenges, restrictions, and limited opportunities that may thwart progress towards developmental milestones.<sup>291</sup> These experiences make children and adolescents particularly susceptible to trauma and stress.

As noted previously, all types of traumas associated with child migration—occurring before, during and after migration—can result in a myriad of physical and mental health consequences (see *Table 1*). Evidence suggests that children and adolescents may be unaware of health resources available to them or are unable to access them. For example, girls in refugee camps in **Rwanda** were discouraged from participating in anti-AIDS youth clubs or seeking reproductive healthcare due to cultural attitudes that would label them a ‘prostitute’.<sup>292</sup> Other barriers to healthcare include fear of violating the community taboo on reporting sexual assaults or other forms of exploitation and concerns that healthcare professionals do not take child protection concerns seriously or are ill-equipped to manage them.

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<sup>286</sup> UNICEF, *Harrowing Journeys*, *supra* note 43.

<sup>287</sup> *Id.*

<sup>288</sup> Timothy P. Williams, et al., *supra* note 161.

<sup>289</sup> *Id.*

<sup>290</sup> *Id.*

<sup>291</sup> *Id.*

<sup>292</sup> *Id.*



**Table 1. Health Conditions Associated with Migration**

PHYSICAL HEALTH	MENTAL HEALTH
Traumatic injury	Post-traumatic stress disorder (PTSD)
Preventable work-related injury	Grief (loss and/or separation)
Sexually transmitted diseases (esp. those associated with overcrowding, poor sanitation, contaminated water/food)	Depression
HIV/AIDS	Suicidal thoughts
Non-sexually transmitted infections	Aggression
Unwanted pregnancy	Anxiety
Malnutrition, poor growth	

### Social Impact

Children on the move may experience several risks that will have an impact on their ability to attain and maintain livelihoods and stability in their host and destination countries. Such trauma may be pre-existing, such as forced displacement due to conflict and sexual exploitation, or it may have occurred as a result of the migration journey. The latter is especially true if migrant children travel through—and arrive in—countries where inequality is prevalent as a result of discriminatory practices and immigration policies that infringe upon the rights of this vulnerable population and their ability to access various services.<sup>293</sup> Additionally, children without legal status may be denied access to services such as education in some destination countries.<sup>294</sup>

As mentioned above, for those able to attend school, the educational experience can still be severely limited by language barriers, a lack of resources including books, appropriate clothing, or transportation, and the fear or actual threat of discrimination potentially resulting in violence and increased fear of deportation.<sup>295</sup> Among refugee children and parents alike, the fear of discrimination

<sup>293</sup> UNICEF, Uprooted: The Growing Crisis for Refugee and Migrant Children, *supra* note 107, at 40-41.

<sup>294</sup> *Id.*

<sup>295</sup> Selcuk R. Sirin & Lauren Rogers-Sirin, *supra* note 110, at 7-10. See also, Kavitha Cardoza, *How Schools Are Responding to Migrant Children*, EDUCATIONWEEK, Apr. 9, 2019, at <https://www.edweek.org/ew/articles/2019/04/10/how-schools-are-responding-to-migrant-children.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

resulting in violence can interfere with a quality education in the host country. A hostile environment, potentially created by those who resent refugees may result in physical abuse and bullying.<sup>296</sup> Social stigmatization and ostracization, in turn, becomes yet another obstacle to the educational development of migrant and refugee children. Forming social connections, especially in a new environment, can serve as a protective factor in a child's development, and any factors that prohibit the development of social relations can be detrimental.<sup>297</sup> With discrimination further isolating these vulnerable youth, these children are at a greater risk of mental health issues in the future, including PTSD, depression, and other behavioral problems.<sup>298</sup>

The degree to which migrant and refugee children experience inequality or protection from abuse and exploitation is dependent on how a host country manages migration and whether or not it is willing and able to fully integrate these children into their society.<sup>299</sup> A country with discriminatory immigration policies makes it extremely difficult for children on the move to adjust to their new surroundings.<sup>300</sup> Research has further shown that a family's immigration status strongly affects how they experience poverty, food insecurity, housing instability, and discrimination.<sup>301</sup> This suggests that the denial of basic services to refugee and migrant populations can have long-term effects, ultimately leaving this already vulnerable population further at risk.

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<sup>296</sup> Selcuk R. Sirin & Lauren Rogers-Sirin, *supra* note 110, at 7-10.

<sup>297</sup> *Social Connections: Positive and Promotive Factors*, CENTER FOR THE STUDY OF SOCIAL POLICY, Aug. 2018, at [https://cssp.org/wp-content/uploads/2018/08/SF\\_Social-Connections.pdf](https://cssp.org/wp-content/uploads/2018/08/SF_Social-Connections.pdf) (last visited Feb. 3, 2022).

<sup>298</sup> Kavitha Cardoza, *supra* note 295.

<sup>299</sup> Emilia Toczydlowska & Bina D'Costa, *Migration and Inequality: Making policies inclusive to every child 2*, UNICEF, 2017, at <https://www.unicef-irc.org/publications/pdf/IRB%202017-14%20FINAL.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>300</sup> American Academy of Pediatrics, *Providing Care for Immigrant, Migrant, and Border Children*, Jun. 2013, at <https://pediatrics.aappublications.org/content/pediatrics/131/6/e2028.full.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children). See also, Emilia Toczydlowska & Bina D'Costa, *supra* note 299.

<sup>301</sup> *Id.*

# Recommendations

## National and International Recommendations

Many national and international organizations have highlighted important recommendations and calls to action for child migrants to be protected in accordance with their specific circumstances. Below are seven of the most critical recommendations as highlighted by international organizations including The International Federation of Red Cross and Red Crescent Societies (IFRC), the Organisation for Economic Cooperation and Development (OECD), the United Nations, and various UN entities such as IOM, UNICEF, and UNHCR, and national organizations like the American Academy of Pediatrics (AAP)<sup>302</sup> and the Harvard FXB Center for Health and Human Rights<sup>303</sup>.

In December 2018, the UN General Assembly adopted the Global Compact for Safe, Orderly and Regular Migration. The Global Compact is not legally binding, but is a cooperative framework, based on the commitments agreed upon by the Member States in the New York Declaration for Refugees and Migrants. The Global Compact “fosters international cooperation among all relevant actors on migration, acknowledging that no State can address migration alone, and upholds the sovereignty of States and their obligations under international law.”<sup>304</sup> A number of key actions for the Member States are laid out in the Global Compact, including:

- Accounting for migrant children in national child protection systems by establishing robust procedures for the protection of migrant children in relevant legislative, administrative, and judicial proceedings and decisions, as well as in all migration policies and programs that impact children, including consular protection policies and services, and cross-border cooperation frameworks;
- Protecting unaccompanied and separated children at all stages of migration through the establishment of specialized procedures for their identification, referral, care and family reunification, and providing access to healthcare services, including mental health, education, legal assistance, and the right to be heard in administrative and judicial proceedings;
- Reviewing the impacts of migration-related policies and laws to ensure that these do not increase or create the risk of migrants going missing, including by identifying dangerous transit routes used by migrants, by working with other States as well as relevant stakeholders and international organizations to identify contextual risks, and establishing mechanisms for preventing and responding to such situations;
- Developing and conducting intra- and cross-regional specialized human rights and trauma-informed training for first responders and government officials, including law enforcement authorities, border officials, consular representatives, and judicial bodies, to facilitate and standardize identification and referral of, as well as appropriate assistance and counselling in

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<sup>302</sup> American Academy of Pediatrics, Providing Care for Immigrant, Migrant, and Border Children, *supra* note 300.

<sup>303</sup> Vasileia Digidiki & Jacqueline Bhabha, *supra* note 55.

<sup>304</sup> United Nations (UN), *Global Compact for Safe, Orderly and Regular Migration*, Jan. 11, 2019, at [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/73/195](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195) (last visited Feb. 3, 2022).

a culturally sensitive way to, victims of trafficking in persons, migrants in situations of vulnerability; and

- Upholding the principle of the best interests of the child at all times, as a primary consideration in all situations concerning children in the context of international migration, including unaccompanied and separated children.<sup>305</sup>

### A Gendered Approach

As children migrate, there is no question that girls are at an increased risk for sexual violence and exploitation. For this reason, organizations such as the UNHCR express the necessity for a gendered approach to child migration policies that address the particular needs of each individual child.<sup>306</sup> A gendered approach is especially important in detention centers where cases of gender-based violence are common. It is important to note that experts interviewed by the IFRC indicated that boys are also at risk for sexual assault within detention facilities though it is significantly underreported.<sup>307</sup> In light of the risk of sexual violence for both girls and boys, developing child- and gender-sensitive asylum systems will allow for governmental institutions to identify child populations that are at heightened risk, and create protocols and an environment in which specific protections can be implemented.<sup>308</sup>

Additional research has also confirmed that children who identify as LGBTQ+ face difficulties in detention facilities and during the migration journey.<sup>309</sup> However, unlike the aforementioned gendered approach to sexual violence, there are often political barriers that must be overcome in order to address the unique risks for LGBTQ+ children and youth.<sup>310</sup> There may be less acceptance and/or tolerance of individuals who identify as LGBTQ+ that results in increased difficulties in the integration process.<sup>311</sup> Because of this, the IFRC suggests that political willingness is the first step in addressing this relevant and important child protection issue.<sup>312</sup>

### Education

When forced to leave their home countries, most child migrants cease their education, which is critical to their development. For this reason, organizations such as the UN, AAP, Harvard FXB Center for Health and Human Rights, and the OECD have called on governments to ensure that children are provided education during their migratory journeys and once they have arrived in their destination countries. Education should further be tailored to fit each child's language and cultural needs.<sup>313</sup>

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<sup>305</sup> *Id.*

<sup>306</sup> UNHCR, A guide to international refugee protection and building state asylum systems, *supra* note 119.

<sup>307</sup> *Id.*

<sup>308</sup> Alone and Unsafe: Children, migration, and sexual and gender-based violence, *supra* note 158.

<sup>309</sup> *Id.*

<sup>310</sup> *Id.*

<sup>311</sup> *Id.*

<sup>312</sup> *Id.*

<sup>313</sup> UN General Assembly, In safety and dignity, *supra* note 121; See Also, American Academy of Pediatrics, Providing Care for Immigrant, Migrant, and Border Children, *supra* note 300; Jacqueline Bhabha et al., Children on the Move, *supra* note 92; See Also, OECD, *Helping immigrant student to succeed at school-and beyond*, 2015, at <https://www.oecd.org/migration/Helping-immigrant-students-to-succeed-at-school-and-beyond.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

## Health

As a vulnerable population, migrants often experience physical and mental trauma – child migrants are especially vulnerable. Organizations such as UNICEF and the AAP have called on governments to ensure children are screened for physical and mental health traumas once they arrive in their destination country. Moreover, organizations have called for comprehensive health care to be provided to child migrants and ensure that those providing care are trained to work with children and able to accommodate linguistic or cultural differences.<sup>314</sup>

## Safety and Training

As mentioned, children are especially vulnerable during migration and as such requires that professionals working with vulnerable children on the move receive specialized training and have the expertise to properly care for and protect them. Organizations such as the UN, AAP, IFRC, and IOM have called on governments to provide appropriate training to individuals who come into contact with child migrants. Thus, training should not only be required for educators and pediatricians, but also for border officials, attorneys, judges, and others. Appropriate training will further ensure the safety of children once they arrive at their destinations ensuring that those who are treating them put the individual child's best interests first.<sup>315</sup>

## Legal Responsibilities

More and more often, migrants' rights to a fair legal process upon entering the destination country are denied and the situation for child migrants is no exception. For this reason, organizations such as the UN, UNICEF, and the AAP have urged countries to prioritize the legal rights of migrants and ensure fair and due process of the law in the determination of migrants' legal status. Countries should also ensure that each child is represented by an attorney in court during immigration proceedings. Legal processes should reduce the risk of children becoming separated from their parents or guardians, and/or minimize the time a child remains separated from his/her family.<sup>316</sup>

## National and International Collaboration

Often, destination country officials know little about the children arriving at their borders and are limited in their own knowledge of how to handle child migrants. Because of this, organizations like the Harvard FXB Center for Health and Human Rights, UN, AAP, UNICEF, and IOM recommend that countries and organizations must work collaboratively to ensure the best interest of the child is at the center of all policies, proceedings, and practices related to processing immigrants. International cooperation should include cooperation between judicial authorities, national child protection authorities, and guardianship authorities to ensure the child's wellbeing and appoint temporary guardianship if necessary. Furthermore, the responsibility for hosting refugees should be shared across all countries so that rather than a few countries being forced to take in more than they have capacity for, all countries can take equal part in the responsibility and care for child migrants. The

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<sup>314</sup> UNICEF, *Beyond Borders*, *supra* note 88; *See Also*, American Academy of Pediatrics, *Providing Care for Immigrant, Migrant, and Border Children*, *supra* note 300.

<sup>315</sup> UN General Assembly, *In safety and dignity*, *supra* note 121; *See also*, American Academy of Pediatrics, *Providing Care for Immigrant, Migrant, and Border Children*, *supra* note 300; and Claus Bech Hansen et al., *supra* note 40, at 61.

<sup>316</sup> UN General Assembly, *In safety and dignity*, *supra* note 121; UNICEF, *Beyond Borders*, *supra* note 88; American Academy of Pediatrics, *Providing Care for Immigrant, Migrant, and Border Children*, *supra* note 300.

collection of, and accessibility to, migration data across borders should be prioritized in order to better communicate and understand relevant information. At every level, interagency communication is key to ensuring that all aspects of a child's needs are met. Lastly, bilateral cooperation must be prioritized to establish cross-border mechanisms that are critical to family reunification.<sup>317</sup>

### **Special Policies for Especially Vulnerable Children: Missing Children, Separated Children, and Victims of Human Trafficking**

Missing, separated, and exploited migrants are often children. Children's increased vulnerabilities to a range of dangers have led many organizations to call for special policies to safeguard these groups. For missing children, organizations like IOM and the UN have called for more research on the subject, collaboration with civil society and families of missing child migrants to increase data verification, and the adoption of policies that will facilitate the reporting of missing children in origin, transit, and destination countries.<sup>318</sup>

For separated children, organizations like the UN, AAP, Harvard FXB Center for Health and Human Rights, IFRC, UNICEF, and IOM have called for governments to prevent the separation of families, allow contact during separation, and to facilitate reunification when it is in the child's best interest. Moreover, some organizations like the Harvard FXB Center have recommended appointing legal guardians for separated children. Lastly, organizations note the importance of providing appropriate, child-centered, alternative care and accommodation for separated and unaccompanied minors. Overall, it is clear that more research is necessary to address and mitigate the issue.<sup>319</sup>

For victims of human trafficking, organizations such as AAP, the Harvard FXB Center, and the UN have expressed their support for special policies and procedures that would help identify victims in federal custody to protect and prevent further recruitment. The Harvard FXB Center has recommended governments increase opportunities for legal and safe access to resources in destination countries to decrease human trafficking overall. Additionally, the UN has recommended international and interagency cooperation to intensify efforts to prosecute smugglers and traffickers.<sup>320</sup>

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<sup>317</sup> Jacqueline Bhabha et al., *Children on the Move*, *supra* note 92; *See also*, UN General Assembly, *In safety and dignity*, *supra* note 121; American Academy of Pediatrics, *Providing Care for Immigrant, Migrant, and Border Children*, *supra* note 300; UNICEF, *Beyond Borders*, *supra* note 88; *See also*, Claus Bech Hansen et al., *supra* note 40, at 61.

<sup>318</sup> IOM, *Addressing Human Trafficking and Exploitation in Time of Crisis*, *supra* note 83; *See also*, UN General Assembly, *In safety and dignity*, *supra* note 121.

<sup>319</sup> UN General Assembly, *In safety and dignity*, *supra* note 121; American Academy of Pediatrics, *Providing Care for Immigrant, Migrant, and Border Children*, *supra* note 300; Jacqueline Bhabha et al., *Children on the Move*, *supra* note 92; UNICEF France, *Neither Safe Nor Sound*, *supra* note 98; *See also*, IOM, *Addressing Human Trafficking and Exploitation in Time of Crisis*, *supra* note 83.

<sup>320</sup> American Academy of Pediatrics, *Providing Care for Immigrant, Migrant, and Border Children*, *supra* note 300; Jacqueline Bhabha et al., *Children on the Move*, *supra* note 92; UN General Assembly, *In safety and dignity*, *supra* note 121.



## ICMEC Recommendations

In addition to the recommendations of various national and international organizations presented in this report, ICMEC has developed and compiled a set of complementary recommendations (presented below in no particular order) to assist our partners including law enforcement, policymakers, industry stakeholders, educators, and healthcare professionals around the world in the protection of children from sexual abuse and exploitation during migratory journeys.

**1. Migrant children should be recognized first and foremost as deserving of special protection, regardless of their immigration or citizenship status.**

It is critical that children be recognized above all else as children and provided with special protection and care. As defined by Article 1 of the UN Convention on the Rights of the Child, a child is anyone below the age of 18 years unless under the law applicable to the child, majority is attained earlier. A child-first approach means that they must be provided with housing, given access to other child-friendly resources including healthcare and education, and concerted efforts should be made to keep or reunify the child with their family. When the primary focus is on a person's legal status, a child may be labeled an 'alien' or a non-citizen, and their health, developmental and emotional needs may be forgotten or minimized. Critical services may become inaccessible, and efforts of professionals may be directed toward repatriation or detention rather than ensuring the child's basic human rights are met and their wellbeing prioritized.

**2. The best interests of the child should be prioritized and protected in all circumstances.**

All children have the right to have their best interests assessed and taken as a primary consideration, and the guarantee that their rights will be implemented and upheld, whenever a decision is made that concerns the child. The best interests of the child are considered a fundamental, interpretative legal principle. If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen. Whenever a decision is to be made that will affect a child, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned.<sup>321</sup>

It is essential for professionals serving migrant children and families to have knowledge of, and respect for a child's rights. Children must also understand their own basic human rights (commensurate with their developmental capacity) and feel comfortable asking questions and asserting those rights in a safe space where respect and dignity are ensured. The rights to information and having a voice in decision-making are only useful if a child understands these rights and is empowered to claim them.

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<sup>321</sup> International Organization for Migration (IOM), *Glossary on Migration* 15, 2019, at <https://www.iom.int/glossary-migration-2019> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

**3. All children should be registered by the relevant authorities whenever they cross international borders.**

Immigration authorities should register all children, including migrant children, who cross an international border. Authorities should capture as much information about the child as is possible, including a photo and description of the child, and details regarding all adults traveling with the child. This information should be maintained on a digital platform that can be shared across agencies and used to locate the child in the event they go missing or are separated from their families/guardians.

**4. Relevant immigration and border security authorities should be trained to recognize potential signs of trafficking in children.**

Children in migration are more vulnerable to exploitation by traffickers, especially during crises. Training border personnel to recognize trafficking, especially in the context of migration, as well as on related legal provisions and responsibilities can better equip them to identify children who may be at risk. Border security and immigration authorities should screen children arriving in their country for signs of trafficking, especially in circumstances where they are traveling with adults to whom a legal relationship cannot be determined, or it is determined that there is no legal relationship at all. In these cases, the adult(s) should be detained until their intentions can be confirmed. It should be noted that the adults traveling may themselves be victim(s) or even unaware of the trafficking that is taking place.

**5. Professionals working with vulnerable populations should be provided with regular training and mental health support.**

Individuals working with child migrants and their families may suffer from secondary traumatic stress (STS) due to exposure to the extensive trauma the children may describe. Regular, targeted training for these professionals is crucial to adequately equip them with protective practices to help prevent STS, burnout, and other consequences and to identify and address these symptoms in others. Mental health and wellness support at an institutional level are crucial to minimize the adverse effects.

**6. Professionals working with migrant children should be educated and trained on culturally sensitive, trauma-informed, rights-based, child-centered care, and the immediate, short-term, and long-term health consequences of mass and forced migration for children.**

Professionals working with migrant children must receive specialized training and have the expertise to properly care for and protect these children, regardless of individual circumstances. Training should be required for educators, and health and mental health professionals working directly or indirectly with children, as well as for border officials, attorneys, judges, and others who encounter child migrants and their families. Appropriate training will further ensure a focus on the safety and best interests of children once they arrive at their destinations. Child migrants must receive comprehensive healthcare and be offered mental health assessments and support. The disruption migration has on a child's daily life can be detrimental to their mental health and social wellbeing. Furthermore, discrimination from the community can contribute to feelings of isolation putting these children at risk for PTSD, depression, and other behavioral problems. Those providing care must be trained to

work with children, understand the impact of trauma and its intersectionality with culture, and be able to accommodate linguistic and other needs.

**7. Government support and funding should be secured for the provision of accessible medical and mental health care for migrant and refugee children, with an emphasis on continuity of care.**

Migrant children commonly experience multiple traumatic events before, during, and/or after their journey; they have significant physical and mental health needs (e.g., infection, poorly treated chronic diseases, injury, major depression, anxiety disorders, and post-traumatic stress disorder). It is critical that these children have easily accessible, free or very low-cost, primary medical and mental health services that accommodate the special needs surrounding their immigration experience (e.g., cultural and linguistic needs, challenges with legal documentation). Government support and funding is necessary so that medical and mental health care services that are culturally appropriate and trauma-informed can be offered to children and caregivers. Appropriate treatment by trained professionals and access to psychotropic medications must be accessible to those with severe chronic mental health conditions. Clinics that integrate medical, reproductive health, mental health, dental, and social services make optimal medical homes for migrant and refugee children and help to ensure continuity of care.

**8. Validated screening tools to identify children who have experienced abuse or exploitation during migration, and comprehensive protocols for responding to the suspected abuse or exploitation must be developed.**

Screening for exploitation and abuse is important and must be thoughtfully implemented, using validated evidence-based or evidence-informed tools whenever possible. Screening must be accompanied by access to resources for those who have experienced or are at risk for exploitation/abuse. When validated tools are not available, screening may involve asking open-ended questions about risk factors and migration experiences, using a trauma-informed approach, and/or providing a brief education to children and caregivers about exploitation/abuse with access to resources.

Comprehensive healthcare protocols should be developed, implemented, and evaluated to assist professionals in the identification of and response to suspected abuse or exploitation. These protocols should be tailored to the needs of the health/mental health facility and should include coordination with multidisciplinary teams in order to meet diverse needs of the children served.

**9. Data should be collected, and research conducted to fully understand the prevalence of abuse and exploitation of children within mass movement and develop responsive mechanisms to create a safety net for children in migration.**

The public health approach to human trafficking is founded on a rigorous, scientific evidence base, which requires research on risk and protective factors, exploitation experiences, health and mental health needs, and effective treatment strategies. Widespread recognition of the intersection of the exploitation of children and children who are missing from care cannot be achieved without data that is demonstrative of the link between and prevalence of these

issues. Prioritizing the collection of data can ensure that the strategies being developed are reflective of the actual problems children on the move are facing. Useful policies and tools cannot be developed without a comprehensive understanding of what kind of abuse and exploitation children in mass movements experience, how it affects them in both the short- and long-term, and the circumstances in which children go missing.

**10. Interagency cooperation must be established to care for every child including unaccompanied minors, children with special needs, trafficked children, and children formerly in institutions.**

During times of crisis and mass migration, a child will, at different times, come into contact with a variety of agencies and organizations tasked with registering and processing them, providing them with basic needs, and planning for short-term accommodations and long-term integration. Each of these agencies and organizations must establish procedures for sharing information across disciplines and sectors to ensure that the location and wellbeing of the child is known at all times. Interagency collaboration is facilitated by the development of memoranda of understanding and written protocols outlining the roles and responsibilities for each organization. Cross-training of professionals is extremely helpful, as are regular meetings of an established multidisciplinary team.

**11. Collaboration between law enforcement officials and migrant-focused organizations must be promoted to facilitate the protection of, and search for, missing children.**

Collaboration across industry partners and the formulation of new relationships with key stakeholders can build trust and engagement, and promote the sharing of relevant tools, good practices, and information to ensure improvements in child protection. It can also contribute to the rapid reunification of children separated from caregivers during the migration journey.

**12. Free accessible reporting mechanisms should be developed and provided to ensure that the public is aware of the mechanism, encouraged to immediately report a case of a missing child, and clearly understands how to report a missing child.**

Countries should have a mechanism in place that allows the public to easily report a missing child and provide leads on a case. This mechanism may be a dedicated toll-free telephone hotline and/or a simple website managed and maintained by law enforcement or by a non-governmental organization (NGO) working in conjunction with the responsible investigative agency. The mechanism should be sustainable with an ongoing government funding source if possible. It is further necessary that the public be informed and aware of the reporting mechanism and know how to submit a report of a missing child.

**13. All intercountry adoptions should be suspended until the crisis is over.**

Adoptions during times of crisis too often lead to irregular, unsupervised placements with adoptive families. These placements are not in the best interest of the child. In some cases, children who are separated from their parents during migration are assumed to be orphaned and placed for adoption. In other cases, irregular adoption mechanisms result in a failure to

follow proper processes and vetting of prospective adoptive parents. This may result in the child being placed with an individual who may traffic or otherwise exploit or abuse the child.

International adoption should not resume until there are sufficient resources and oversight to ensure that best practices can be followed. For adoptions that were already in process when the crisis began, the responsible adoption authority in the country where the child is currently residing must prohibit prospective adoptive parents from attempting to remove the child or taking other individual actions to secure physical custody of the child until all appropriate and legal processes and documentation are finalized.

**14. Family reunification should be prioritized when in the best interest of the child.**

Every effort must be made to locate, engage, and evaluate family members for every child arriving in a foreign country after forced or voluntary migration. During times of crisis, unaccompanied and/or separated children are often assumed to be orphaned or abandoned. In the vast majority of cases, this is not correct. Every effort must be made to ensure that there are technological resources available to be used to search for a child's family, or for families to search for missing/separated children.

**15. Established frameworks and guidelines should be implemented, and partnerships with organizations on the ground should encourage the use of the GMCNgin™.**

It is important to implement established frameworks and guidelines such as ICMEC's Global Model Missing Child Framework,<sup>322</sup> the International Commission on Missing Persons (ICMP) Paris Principles,<sup>323</sup> and the Recommended Principles to Guide Actions Concerning Children on the Move and Other Children affected by Migration.<sup>324</sup> By following established frameworks and guidelines for locating and recovering missing children, and utilizing technology and other targeted tools, we can ensure that children are reunited with their families quickly and safely. ICMEC's GMCNgin™, a web-based database and alerting system, is one such technology tool that can be used to alert the public of missing child cases, manage case information, and search for and locate missing children. It can also be used to register information about refugee children and information about the adults they are traveling with as they cross the border.<sup>325</sup>

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<sup>322</sup> International Centre for Missing & Exploited Children, *Global Model Missing Child Framework*, Nov. 2019, at <https://www.icmec.org/wp-content/uploads/2020/02/Model-Missing-Child-Framework.pdf> (last visited Feb. 16, 2022).

<sup>323</sup> United Nations (UN), *ICMP Paris Principles*, May 13, 2019, at <https://www.ohchr.org/Documents/Issues/Disappearances/webinar-search-investigation/ICMP-ParisPrinciples.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>324</sup> Jacqueline Bhabha & Mike Dottridge, *Recommended principles to guide actions concerning children on the move and other children affected by migration*, Jun. 2016, at <https://resourcecentre.savethechildren.net/document/recommended-principles-guide-actions-concerning-children-move-and-other-children-affected/> (last visited Feb. 16, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>325</sup> *The Global Missing Children's Network - GMCNgin*, International Centre for Missing & Exploited Children, at <https://find.globalmissingkids.org/> (last visited Feb. 22, 2022). See also, ICMEC, *GMCNgin Web App Promo Video*, Nov. 2020, at <https://www.youtube.com/watch?v=DXQovPtq6UM> (last visited Feb. 22, 2022).

# ICMEC Contributions

As an organization, ICMEC is involved in assessing and addressing the ongoing risks to children during migration by engaging in on-the-ground training and education programs as well as utilizing and expanding the accessibility of our web- and app-based GMCNgin™ platform.

Our **training and education materials** take a multidisciplinary approach that spans across law enforcement and criminal justice professionals, healthcare providers, educators, and child protection professionals, among others. ICMEC offers on-site and online training and technical assistance for frontline professionals and volunteers working with refugee children and caregivers to provide practical instruction and interactive skill-building with a focus on a trauma-informed, rights-based approach as well as technical support to develop guidelines for staff regarding initial interviews with families, and to assist with guideline implementation. Additionally, we have conducted training with members of the border control and law enforcement communities to discuss and review best practices for interviewing and interacting with migrant children to minimize further victimization, promote psychological and emotional safety, and provide appropriate support.

In recognition of the unique role that healthcare providers play in identifying victims and providing treatment, in 2019 ICMEC created a specific **toolkit for health professionals and administrators**, government officials, shelter staff and other care providers to assist in assessing and improving access to high-quality healthcare services for trafficked and exploited persons, either on-site at their own organization, or at one or more local facilities ('referral network'). The *Improving Healthcare Services for Trafficked Persons* kit includes an assessment tool to identify strengths and gaps in services within an existing facility, as well as resources for addressing challenges and improving services. The [toolkit](#) is available at no cost on our website at [www.icmec.org](http://www.icmec.org).

In addition to the toolkit, ICMEC developed a *How-To Guide to Develop a Healthcare Protocol for Responding to Child Trafficking/Exploitation*—a brief online curriculum to guide professionals through the process of developing, implementing, and evaluating a protocol tailored to meet the needs of their health/mental health facility. The curriculum—containing over 40 resources to assist in protocol development—is available on our [Health Portal](#).

ICMEC has also concentrated our efforts to assist countries in building **national capacity** in the areas of online sexual exploitation and best practices in preventing, investigating, and recovering missing children. Using a systematic Multisectoral Response & Capacity Assessment (MRC) process, ICMEC examines various areas of child protection that impact a country, identifies gaps in the country's current efforts, and develops multi-year work plans to assist countries in closing those gaps. Through this process, ICMEC works with local partners to advocate for legislation, train professionals responsible for child protection, increase collaboration and coordination in the field, and produce relevant research and thought leadership to guide practice.

In order to identify industry partners, gaps in child protection legislation, and to conduct necessary training, ICMEC's research branch, The Koons Family Institute on International Law & Policy,



undertakes **targeted research** and collects data on missing children, child sex trafficking, and other forms of exploitation of children, to raise awareness of both the existence and the scope of the problem and gain recognition of the need for intervention by the government and others. Only with clear acknowledgment of, and commitment to address the issues, will action be taken. This includes the allocation of necessary resources, establishment of protective mechanisms, and development and implementation of legislative and policy instruments. In this instance, researching children on the move and the different points in time when they are at increased risk of going missing and/or being exploited guides ICMEC's program priorities and recommendations for action.

Lastly, ICMEC strongly encourages and supports the use of our **GMCNginer™ technology** to aid in the location and recovery of missing children around the world, including those displaced due to or during the migration journey. Currently, the GMCNginer web platform and mobile applications have been deployed to missing child agencies and law enforcement entities in over 30 countries, and since its creation in 2019, it has aided in the recovery of more than 3,400 children. As the largest missing child database and alerting system in the world, case managers can geo-target alerts to specific cities and regions. Additionally, the technology is a hardworking engine: constantly searching, vectoring, and matching images of missing children against images sourced throughout social media, message boards, and the deep and dark web.

The GMCNginer can be used reactively to alert the public of missing child cases, manage case information, and search for and locate missing children. But it can also be used proactively to register information about refugee children and about the adults they are traveling with as they cross the border. Therefore, detailed information is already in the case management system if at any point the child's whereabouts are unknown. In mass migration situations, it is very important to immediately begin to track the movement of children to ensure their safety and provide the best opportunities for them to be reunited with their families and communities. We are actively working to develop ways in which this tool can become more accessible to a broader audience to allow for greater use and implementation to the child identification and recovery process.

# Conclusion

While children are one of the most vulnerable populations today, migrant children in particular deserve additional attention and the protection of governments and organizations around the world. Child migrants face increased risks prior to, during, and after their migratory journeys. Whether they are unaccompanied from the start of their journey, separated from their family or guardian during their travels, or fall victim to exploitation upon arrival in the destination country, vulnerable children must be viewed as a global priority. Current trends indicate that an increasing percentage of children make up migrant populations, and as such, if the necessary protective measures are not implemented, there will be an increasing number of children who are at risk of physical, mental, and psychological harm.

**In light of these factors, it is imperative that we develop a targeted and comprehensive approach that recognizes the inherent differences between adult and child migrants.** Children are less mature, less educated, and less prepared to make these migrant journeys, and they require a child-centered approach to ensure their safety and wellbeing. While there is a need for child-specific safeguards, additional protections are necessary to address differentiating factors among the child migrant population including gender identity and sexual orientation. Nevertheless, devising safeguards is not enough. There must be a level of accountability to ensure that not only are the necessary systems and policies created, but that these are also properly implemented and enforced. Child migrants have legal rights that must be protected, including their rights to education and wellbeing. We cannot overlook those rights because of the child's migrant status or the circumstances that impelled the migration journey.

The recommendations set forth in this paper are not intended to diminish the efforts already being made, nor are they intended to dismiss the hard work already being done to help children throughout their migrant journey. They are, rather, intended to shed light on additional efforts that should be made to ensure that nothing is overlooked. They aim to highlight the fact that cross-industry collaboration, ongoing education of healthcare professionals, educators, border personnel, and other key stakeholders, and the provision of safe spaces for children regardless of their migrant status are all vital elements to protect children and to ensure their basic rights are being upheld. It is the goal of this paper to illustrate that with the proper resources, partnerships, and tools in place, migrant children will have a better chance of living healthier and safer lives.

# Appendix A

## International and Regional Legal Instruments

There are several regional and international legal instruments that address refugees and asylum seekers, and the rights and protections afforded them. These legal instruments provide guidance for the countries that are party to them. A sampling of the existing legal instruments is presented below.

### International Legal Instruments

The **1948 Universal Declaration of Human Rights** marks the first time the international community acknowledged the importance of a human right to asylum: Article 14(a) specifically states that all individuals have “the right to seek and enjoy asylum from persecution.” Although non-binding, the declaration would come to inspire a series of conventions and legal mechanisms addressing refugee protection.<sup>326</sup>

The **1949 Geneva Conventions and 1977 Additional Protocols** form the basis of international humanitarian law: they stipulate that States Parties must protect and provide impartial assistance to non-combatants and civilians in war. The Geneva Conventions are especially relevant for refugees given the role of armed conflict in producing and exacerbating refugee protection issues.<sup>327</sup>

The **1951 Convention relating to the Status of Refugees**, also known as the 1951 Refugee Convention, is a multilateral United Nations treaty that defines the term *refugee*, outlines the basic rights to which a refugee is entitled and presents the responsibilities of the state where the refugee is seeking asylum. Importantly, the 1951 Convention establishes the principle of *non-refoulement* – the legal obligation of a country receiving refugees not to forcibly return them where they may be persecuted.<sup>328</sup> The **1967 Protocol** expanded the 1951 Refugee Convention by broadening its geographical and temporal jurisdiction.<sup>329</sup> Together, the 1951 Convention and the 1967 Protocol form the foundation of international refugee law; they are the only existing legal treaties addressing refugee protection on a global scale.

The **1969 Convention on the Elimination of All Forms of Racial Discrimination** requires that Member States work towards prohibiting and preventing “discrimination on grounds of race, color, descent, or national or ethnic background.” For refugees, the Convention provides additional protection from xenophobic and racial persecution.<sup>330</sup>

The **1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** prohibits all forms of discrimination against women. The Convention protects an especially relevant

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<sup>326</sup> UNHCR, A guide to international refugee protection and building state asylum systems, *supra* note 119, at 27.

<sup>327</sup> *Id.* at 29.

<sup>328</sup> *Id.* at 16-17.

<sup>329</sup> *Id.* at 16.

<sup>330</sup> *Id.* at 26.

right for refugee children in Article 9, which requires States Parties to “grant women equal rights with men with respect to the nationality of their children.”<sup>331</sup>

The **1987 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)** holds an importance place in international refugee law as it expands the principle of non-refoulement to include those who may not meet the conditions outlined in the 1951 Convention and the 1967 Protocol.<sup>332</sup> Under UNCAT, States Parties are prohibited from forcibly returning *any* individual with substantial grounds for fear of persecution. The Convention also defines and explicitly prohibits any form of torture and ill-treatment; unlike the 1951 Convention, it presents no exceptions to this prohibition. Moreover, the Convention established the international Committee against Torture, which receives and processes individual complaints of torture against Member States.<sup>333</sup>

The **1990 Convention on the Rights of the Child (CRC)** remains the most widely ratified human rights treaty with over 190 States Parties. The Convention stipulates that all children have the right to non-discrimination, life, survival, and development, and that their best interests must be protected. Four of the rights discussed in the Convention directly pertain to refugee children: Article 9 prohibits family separation for children, Article 10 mandates family reunification, Article 20 requires that the State Party must provide any child “deprived of their family environment with special protection and assistance,” and Article 22 stipulates that “every child seeking refugee status has a right to appropriate protection and humanitarian assistance.”<sup>334</sup>

The **1996 International Covenant on Civil and Political Rights (ICCPR)** requires that States Parties guarantee for all those within its territory “the right to life, to liberty and security, to liberty of movement within the State, and to protection from expulsion.”<sup>335</sup> An important right the Covenant prescribes is “the right not to be subjected to torture, cruel, inhuman or degrading treatment,” which extends to requiring a State Party not to extradite those fleeing such persecution.<sup>336</sup> The **1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)** guarantees the same rights within an economic, social, and cultural context. It requires that a State Party ensures the “right to an adequate standard of living, to the highest attainable standard of physical and mental health, and to education.”<sup>337</sup>

The **2006 International Convention for the Protection of All Persons from Enforced Disappearance** aims to prevent forced disappearance by requiring States Parties to categorize it as a criminal offense.<sup>338</sup> The Convention also prohibits States Parties from extraditing those who may be at risk of persecution or forced disappearance.<sup>339</sup>

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<sup>331</sup> *Id.* at 26. See Also, United Nations (UN), *Convention on the Elimination of All Forms of Discrimination against Women Article 9*, Dec. 18, 1979, at <https://www.refworld.org/docid/3ae6b3970.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>332</sup> *Id.* at 24.

<sup>333</sup> *Id.* at 24.

<sup>334</sup> *Id.* at 24.

<sup>335</sup> *Id.* at 26.

<sup>336</sup> *Id.* at 26.

<sup>337</sup> *Id.* at 26.

<sup>338</sup> *Id.* at 26.

<sup>339</sup> *Id.*

The **2008 Convention on the Rights of Persons with Disabilities** mandates that States Parties must work to “ensure the protection and safety of persons with disabilities in situations of risk, including during armed conflict and humanitarian emergencies.”<sup>340</sup>

In September 2016, all 193 UN Member States unanimously adopted the New York Declaration for Refugees and Migrants at the Summit for Refugees and Migrants in an effort to improve the way the international community responds to large movements of refugees and migrants.<sup>341</sup> The New York Declaration led to the adoption of two global compacts – the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees.

The **2018 Global Compact for Safe, Orderly and Regular Migration** is a non-legally binding, cooperative framework that builds on the commitments agreed upon by UN Member States in the New York Declaration.<sup>342</sup> The Global Compact is based on a set of 10 cross-cutting and interdependent guiding principles including: people-centered, international cooperation, national sovereignty, rule of law and due process, sustainable development, human rights, gender-responsive, child-sensitive, whole-of-government approach, and whole-of-society approach. It further “promotes broad multistakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade unions, national human rights institutions, the media and other relevant stakeholders in migration governance.”<sup>343</sup>

**The 2018 Global Compact on Refugees** is not legally binding but represents the political will of the international community for strengthened cooperation with refugees and affected host countries. The goal is to achieve four interlinked and interdependent objectives: to ease pressures on host countries; enhance refugee self-reliance; expand access to third country solutions; and support conditions in countries of origin for return in safety and dignity.<sup>344</sup>

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<sup>340</sup> *Id.* at 26.

<sup>341</sup> UNHCR, *New York Declaration for Refugees and Migrants*, Sep. 19, 2016, at [www.unhcr.org/newyorkdeclaration](http://www.unhcr.org/newyorkdeclaration) (last visited Feb. 3, 2022).

<sup>342</sup> United Nations (UN), *Global Compact for Safe, Orderly and Regular Migration*, *supra* note 304.

<sup>343</sup> *Id.*

<sup>344</sup> UNHCR, *Global Compact for Refugees*, UNHCR, Sep. 13, 2018, at <https://www.unhcr.org/5c658aed4.pdf> (last visited Feb. 3, 2022).

## Regional Legal Instruments

The **1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa**<sup>345</sup> and the **1984 Cartagena Declaration**<sup>346</sup> extended the 1951 Convention's definition of refugees by incorporating additional regional eligibility criteria for refugee protection. According to the 1969 Convention, a refugee is "any person who's compelled to leave his or her country owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his [or her] country of origin or nationality."<sup>347</sup> The 1984 Declaration further broadens this definition by including "persons who flee their countries 'because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."<sup>348</sup>

The **1990 Organization of African Unity (OAU) African Charter on the Rights and Welfare of the Child** stipulates that Member States should work towards adopting the necessary measures that ensure the rights and welfare of every child, regardless of their "race, ethnic group, color, sex, language, religion, political or other opinion, national or social origin, fortune, birth or other status."<sup>349</sup> The Charter mandates that States Parties shall take specific measures to protect children from all forms of torture and abuse, inhuman treatment, and neglect. In addition, States Parties must take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare and development of the child.<sup>350</sup>

With respect to children affected by internal or international armed conflict, the Charter requires States Parties to provide them with protection and care as well as to ensure that no child takes a direct part in these conflicts. The Charter requires States Parties to provide refugee children with appropriate protection and humanitarian assistance; States Parties must also cooperate with existing international organizations in doing so and work effectively towards family reunification for all children.<sup>351</sup>

The **Association of Southeast Asian Nations (ASEAN) Declaration on the Rights of Children in the Context of Migration** reaffirms States Parties' commitment to the Convention on the Rights of the Child and acknowledges "the need to identify, refer, protect, and assist all children in the context of

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<sup>345</sup> Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa*, UNHCR, Sep. 10, 1969, at <https://www.unhcr.org/en-us/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>346</sup> UNHCR, *UN Cartagena Declaration on Refugees*, 1984, at <https://www.unhcr.org/en-us/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>347</sup> UNHCR, *A guide to international refugee protection and building state asylum systems*, *supra* note 119, at 26.

<sup>348</sup> *Id.* at 18.

<sup>349</sup> Organization of African Unity (OAU), *African Charter on The Rights and Welfare of The Child*, Jul. 11, 1990, at <https://www.refworld.org/docid/3ae6b38c18.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>350</sup> *Id.*

<sup>351</sup> *Id.*



migration.”<sup>352</sup> The Declaration encourages both the implementation of “child-sensitive and gender-responsive border governance policies” and inter-state collaboration with the relevant stakeholders to address the vulnerabilities children on the move face.<sup>353</sup> The Declaration calls upon Member States to provide refugee and migrant children with access to a clean and safe environment where psychosocial support services are available, to facilitate family reunification whenever possible, and to establish a standardized case management system for children on the move.<sup>354</sup>

The **South Asian Association for Regional Cooperation (SAARC) Convention for the Promotion of Child Welfare in South Asia** requires Member States to ensure that national legislation protects children from any form of “discrimination, abuse, neglect, exploitation, torture, or degrading treatment, trafficking, and violence.”<sup>355</sup> States Parties must also discourage harmful child labor practices and record civil registrations of births in an official registry.

The **Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)** mandates that States Parties must take the measures necessary to protect children from sexual exploitation and provide them with the physical and psycho-social support needed.<sup>356</sup> States Parties must take steps towards preventing the sexual exploitation and abuse of children by confirming the ages of all those housed in their asylum facilities and separating the children from the adults. States Parties must also implement “social programmes, telephone and internet helplines, and information services for victims of child sexual abuse, their close relatives, and anyone responsible for caring for them.”<sup>357</sup>

The **Organization of American States (OAS) American Convention on Human Rights** stipulates that States Parties must work to ensure the rights and freedoms to all individuals “without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, or other social condition.”<sup>358</sup> The Convention affirms that every minor child is entitled to protection by their family, society, and the state. In addition, the Convention emphasizes that States Parties must treat children in accordance with their status as minors; for example, minors subject to criminal proceedings must be tried separately before specialized juvenile tribunals.

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<sup>352</sup> Association of Southeast Asian Nations (ASEAN), *ASEAN Declaration on the Rights of Children in the Context of Migration*, Nov. 2, 2019, at <https://asean.org/wp-content/uploads/2019/11/4-ASEAN-Declaration-on-the-Rights-of-Children-in-the-Context-of-Migration.pdf> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>353</sup> *Id.*

<sup>354</sup> *Id.*

<sup>355</sup> South Asian Association for Regional Cooperation (SAARC), *SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia*, International Labor Organization (ILO), Jan. 5, 2002, at [https://www.ilo.org/newdelhi/whatwedo/publications/WCMS\\_251025/lang--en/index.htm](https://www.ilo.org/newdelhi/whatwedo/publications/WCMS_251025/lang--en/index.htm) (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>356</sup> Council of Europe, *Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse*, REFWORLD, Jul. 12, 2007, at <https://www.refworld.org/docid/4d19a904615b.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>357</sup> *Id.*

<sup>358</sup> Organization of American States, *American Convention on Human Rights, “Pact of San Jose”, Costa Rica*, Inter-American Commission on Human Rights, Nov. 22, 1969, at <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

The **Arabic-Islamic States Declaration on the Protection of Refugees and Displaced Persons in the Arab World** advises States Parties in Article 10 to take the necessary measures to protect women and children who are displaced as they are both the largest and most vulnerable group in the refugee population.<sup>359</sup> The Declaration also encourages States Parties to facilitate family reunification for refugee and displaced persons when possible.<sup>360</sup>

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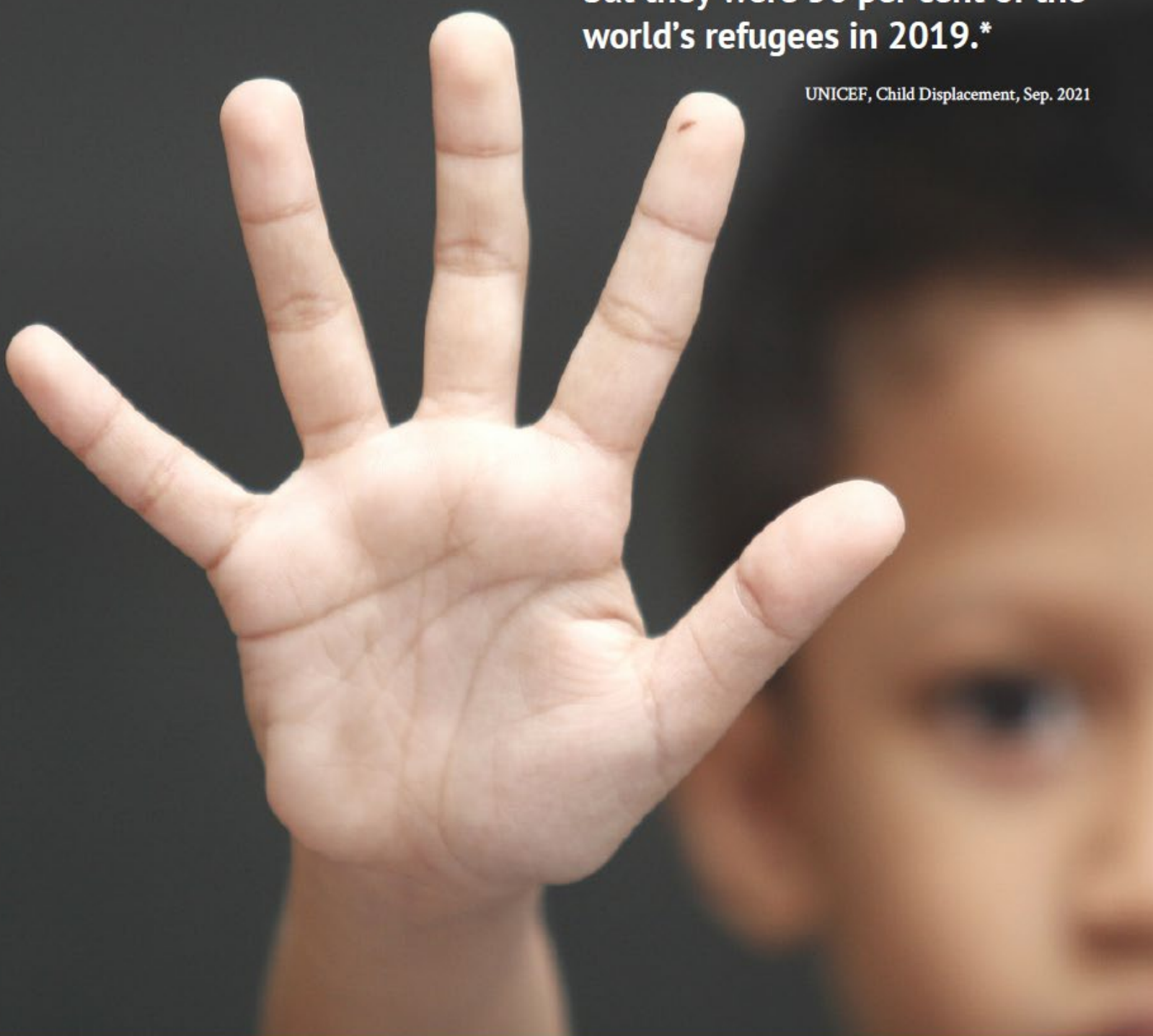
<sup>359</sup> Arabic-Islamic States, *Declaration on the Protection of Refugees and Displaced Persons in the Arab World*, Regional Refugee Instruments & Related, Nov. 19, 1992, at <https://www.refworld.org/docid/452675944.html> (last visited Feb. 3, 2022) (on file with the International Centre for Missing & Exploited Children).

<sup>360</sup> *Id.*



**Children make up less than one third of the global population, but they were 50 per cent of the world's refugees in 2019.\***

UNICEF, Child Displacement, Sep. 2021



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