Research Report

Leiden Model United Nations 2015
~ fresh ideas, new solutions ~

Forum: *Human Rights Council*
Issue: *Children's rights in asylum procedures*

Position: *Chair*

Introduction

An asylum seeker is someone who has fled their country and has applied to the government of another country for protection and is considered as a refugee. Even though this is not a difficult concept to understand, many still tend to misjudge the situation and as a result abuse the rights of such vulnerable people. The international law of human rights has set out various requirements for governments to decide whether or not there are acceptable alternatives or detention is necessary. The Convention on the Rights of the Child clearly states that the detention of a child must only be a measure of last resort and the detention must not be arbitrary.

The issue of the question of the rights of child asylum seekers is one of the most complicated issues along with the question of any asylum seeker within the world we live in. Many discussions have been taking place within the United Nations as well as many other nations attempting to not just find a fragile solution but permanent ones. The search for a solution continues as we attempt to find new and effective ways to protect and help these vulnerable parts of society.

Most asylum applicants go to More Economically Developed Countries (MEDCs) that are known to be western, educated and safer than a major part of the world. Nevertheless, this does not necessarily mean that they have been respecting the rights of asylum seekers and, especially, their children.

Definition of Key Terms

Asylum seeker
Someone who has fled their country and has applied to the government of another country for protection and is considered as a refugee. Also: a person within a State Party who has applied for recognition as a refugee. If the asylum seeker is determined to meet the definition of a refugee they are granted asylum.

Child
Any person under the age of 18.

Community detention
This refers to people who are living at a specific house within the community while the issue of their immigration status is under process. People in Community Detention are

not allowed to work, and children are not allowed to go to school.

Refugee
An individual who is located outside their own country and is unable but could also be unwilling to return to their native land due to many factors such as race, religion or political views.

Internally Displaced People (IDPs)
Someone who is forced to flee his or her home however remains in his or her own country.

Unaccompanied child
A child who arrives at a certain place without the supervision of a parent, a legal guardian or a caregiver.

General Overview

The importance of the issue of the rights of children asylum seekers is often being underestimated. Nevertheless, within situations where families have to move away to another nation or another part of their own country, it is children that are the most affected and if they are not given the proper care, this might lead to more problems than the eye can see. According to research done by the Human Rights Commission in 2014, minimum standards have been set for the protection of children within detentions. These minimum standards have been set out in accordance to the Convention on the Rights of a Child and include;

- Children in detention should be treated with humanity and respect;
- Children have a right to remain with their parents (unless contrary to their best interests), and to have their family protected from arbitrary or unlawful interference;
- Children should not suffer torture or cruel, inhuman or degrading treatment or punishment;
- Children should be protected from all forms of physical or mental violence, injury or abuse while in the care of parents, legal guardians or any other person that has the care of the children.

There is also a wide range of international obligations nations around the world have to meet with the aim of the children's development and thriving, also in accordance to the Convention on the Rights of the Child, including:

- The right to live, survive and develop;
- The right to health and access to healthcare services, including pre- and post-natal healthcare for their mothers;
- The right to education, and to play and engage in recreational activities;

- Respect for the child's rights without having them face any sort of discrimination.

Within the majority of nations to which asylum seekers are moving, the current detention and asylum procedures do not necessarily take into account the specific and necessary vulnerabilities of asylum seeker children nor does it provide them with the special assistance and protection they should be given. The level of mental distress of children in detention is evident by very high rates of self-harm among asylum seeking youth in MEDCs. Also, young children's brains are often not yet able to fully understand the situation and cannot comprehend what is going on and why they are fleeing. Their health is often damaged, not only physically but also, most importantly, mentally. These, often traumatized, children must receive support and psychological help.

Major Parties Involved

The United Nations High Commissioner for Refugees (UNHCR)
The UNHCR is one of the most important organizations in this issue and plays a key role in the definition and enforcement of the rights of asylum seekers and refugees, and the provision of humanitarian aid and security to asylum seekers. They provide aid and support to asylum seekers. This branch of the United Nations works in cooperation with various organizations including 55 humanitarian ones and several other governmental as well as non-governmental ones.

The European Union (EU)
Recently, the European Union has offered help to asylum seekers coming from especially Syria and the northern part of Africa. By collaborating together with the United Nations as well as other governmental and non-governmental organizations, the EU has been able to offer financial aid of over 1.3 billion euros to internal as well as external refugees.

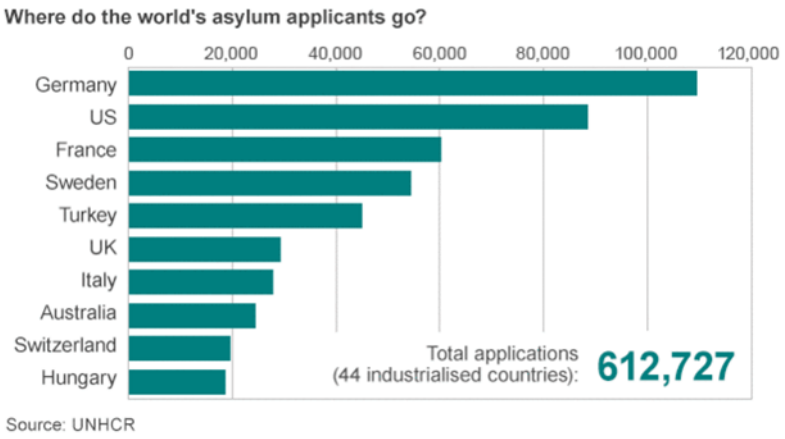
Greece
Due to its geographical position, Greece has been referred to as one of 'the gates' to the EU. Thousands of refugees from Turkey and Africa risk their own and their children's lives in order to reach the safe coast of Greece over sea. According to Amnesty International research, Greece fails to deal with this situation and has disrespected the rights of asylum seekers and refugees and violated some of the most important and crucial international and EU laws regarding the treatment of asylum seekers and refugees. According to Amnesty International's John Dalhuisen, "Greece is proving itself incapable of providing even the most basic requirements of safety and shelter to the thousands of asylum seekers and migrants arriving each year."

Lebanon
With a number of 600.000 refugees seeking asylum, Lebanon is one of the main nations facing great pressure caused by this issue. 1.3 million asylum seekers have entered the

country since the beginning of 2015, with a great impact on the country's economy, political instability and security.

Germany
Germany has recently emerged as the main destination for the majority of asylum seekers coming from countries such as Syria, Eritrea and Afghanistan, the majority of them being below the age of 18. Within the year 2014, the amount of asylum applications Germany received has increased by 25% compared to the year 2013. Currently Germany is working towards achieving the goal of building and maintaining an efficient asylum protection system as well as ensuring that there is border management in a more protection sensitive manner.

United States, France, Sweden, Turkey, United Kingdom, Italy, Australia, Switzerland and Hungary
These countries receive the most asylum applications each year, according the UNHCR.



Timeline of Events

December 31st 2014	The EU received a record number of asylum applications, approximately 600.000, the highest number since 1992.
April 20th 2015	The EU agreed to a ten-point plan to increase financial resources and collaboration in sheltering asylum seekers.
June 17th 2015	Hungary announced its plan to build a fence alongside the Hungarian and Serbian border, to reduce the number of refugees and asylum seekers entering the country.

Research Report

Leiden Model United Nations 2015

~ fresh ideas, new solutions ~

September 2nd 2015

Germany announced their plans to add over 6 billion euros to the 2016 federal and state budget to help relocate asylum seekers and refugees.

Previous Attempts to solve the issue

Australia's Department of Immigration and Border Protection is highly urged to proceed the applications of asylum seekers and refugees within the given time of four weeks, in order to speed the process and shorten the period of time in which children and adults have to leave in uncertainty. In the meantime asylum seekers need to be accommodated and given their basic needs. Nevertheless, most countries are not capable of speeding the process because of the growing influx of new asylum applications.

Countries such as Jordan and Turkey have established many camps in order to shelter refugees and IDPs while waiting to continue their journey or while awaiting their asylum process. However, in many of the camps, the situation and facilities are inhumane.

On a wider scale, the UNHCR has been collaborating with several NGOs and, for example, the EU to support through finances. A majority of the countries have made it their main goal to focus on not only the physical but also the mental health of asylum seekers below the age of 18.

Possible Solutions

A big part of the problem is the overcrowding of detention centers and refugee camps and the outnumbering of locals in certain areas. As a result, there are not enough facilities for everybody, including children. Children are not given the attention they need and deserve and often lack the basic necessities such as sufficient medication. One possible solution would be to stimulate cooperation between countries mutually, and between countries and NGOs. Also, the concept of temporary asylums could be expanded. A priority of detention centers should be rehabilitation, with a clear focus on children. Services such as support groups of psychological consult should be provided.

Useful documents

"Australia Asylum: Why Is It Controversial? - BBC News." BBC News, Dec 5th 2014.

"Child Asylum Seekers Look to UK for a Better Life - BBC News." BBC, Sept 7th 2015

"Children Seeking Asylum." Oct 4th 2015.

"The Children's Section." - Asylum Seekers UK, Sept 24th 2015.

"Denmark Advert in Lebanon Newspapers Warns off Refugees." - Al Jazeera English, Sept 21st 2015.

"FAQ: Refugees, Asylum Seekers and Australia's Refugee and Humanitarian Program - Refugee Council of Australia." Refugee Council of Australia, Sept 21st 2015.

"Lebanon Moves to Regularize Iraqi Asylum-seekers." The Electronic Intifada, Feb 21st 2008.

"Lebanon." UNHCR New, Sept 15th 2015.

"Number of Lone Child Asylum-seekers in Britain Soars by Almost 50% in a Year as Councils Struggle to Cope." Mail Online, Aug 4th 2015.

"Rise in Unaccompanied Child Asylum Seekers Coming to Kent Sparks Visit from Home Office." Kent Online, July 29th 2015.

"Schooled in Britain, Deported to Danger: UK Sends 600 Former Child Asylum Seekers Back to Afghanistan | The Bureau of Investigative Journalism." The Bureau of Investigative Journalism, July 16th 2015.

"Syria and Iraq Wars Swell Numbers of Asylum Seekers." - Al Jazeera, Sept 21st 2015.

"Unaccompanied Minor Asylum Seekers." New to Denmark, Oct 4th 2015.

Appendix/Appendices

Convention on rights of a child:
http://www.ohchr.org/en/professionalinterest/pages/crc.aspx

Amnesty international country profile – Syria:
https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/

The Forgotten Children: National Inquiry into Children in Immigration Detention (2014):
https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/forgotten-children-national-inquiry-children

The rights of asylum seekers and refugees:
http://www.ijrcenter.org/refugee-law/