



Background Paper

Committee: Human Rights

Topic A: Addressing the separation of families at borders and unaccompanied children

Chairs: Anelí Zepeda and Grecia Gallegos

Many families are being separated due to their immigration status. Children are being left alone, unattended, while their parents are deported to another country. Children are being deprived of their human rights and are being impacted upon negatively in an emotional and physical manner. When separated from parents for a long period, children tend to develop physiological distress and increased anxiety. The Human Rights Committee is looking for a solution to give unaccompanied children the rights they deserve. It is important that this committee keeps its word on justice for human rights. Children can't be living on the streets without food or water resources. Children are supposed to live a happy and healthy life, they shouldn't be denied an education, without education they are left vulnerable. Some cases have been found to be inhumane and unfair. For example, Human Rights Watch has found cases where children were left alone unattended to: "in cases reviewed by Human Rights Watch, children as young as 5 have been held in Border Patrol holding facilities without their adult caregivers." and " Human Rights Watch identified 22 cases in which one or more children described forced separation from a family member, usually within the first few hours after apprehension."

Many countries play a big role in this issue, such as the United States, Mexico, Australia, Canada, Guatemala. The United States issued a policy of "zero tolerance" towards asylum seekers. Many families try to enter its borders to seek asylum, only to be prosecuted for illegal entry, while parents are forced to abandon their children .

The UN Human Rights Council states:

- "All migrant children, within their territory and subject to their jurisdiction, are entitled to equal protection under the law, and calls upon States to fully respect their rights, without discrimination of any kind, taking into consideration that they are children first and foremost"
- "Encourages States to prevent the separation of migrant children and adolescents from their families, to establish effective systems in conformity with their international obligations and commitments, and to prioritize family reunification for unaccompanied or separated children with their parents, except when further separation is necessary in the best interests of the child, taking full account of the right of the child to express his or her views freely in matters that affect them"
- "Encourages all States to prevent and eliminate discriminatory policies and legislation at all levels of government, including those that deny migrant children access to education and health care"

and other social services while taking into account the best interests of the child as a primary consideration in fostering the successful integration of migrant children into education and health-care systems and other social services”

In conclusion, the separation of families at borders is becoming a serious issue involving the violation of Human Rights of the children that are being left unaccompanied. The Human Rights Committee is looking for the best solution for this problem, focusing on the wellbeing of the children. Even though the Human Rights Council states that the state should avoid separation of families, this act is violated by the “Zero-Policy” asylum seeker policy.

References:

- Bachega Hugo “Separation of Migrant Children: What Other Countries do” *BBC News*, 7 June 2018 <https://www.bbc.com/news/world-us-canada-44374756>
- McClean Y. Angela, Lopez Gustavo, FitzGerald Scott David, “Mexican Immigrants Face Threats to Civil Rights and Increased Social Hostility” *Center for Comparative Immigration Studies University of California, San Diego*, PDF, Pages 23 - 32, <http://appweb.cndh.org.mx/biblioteca/archivos/pdfs/Estudio-San-Diego.pdf>
- “Resolution adopted by the Human Rights Council on 28 September 2017”. Human Rights Council United Nations General Assembly, PDF; 28 September 2017, page 3-5. https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_HRC_RES_36_5.pdf
- “Separation of families at the Border - Overview and Update”. *National Network for Immigrant and Refugee Rights (NNIR)*, January 17 2019, <https://www.nnirr.org/drupal/family-separation-at-border>
- “US: Family Separation Harming Children, Families”, *Human Rights Watch*, July 11 2019 <https://www.hrw.org/news/2019/07/11/us-family-separation-harming-childre>