

Migrant Children in the MENA and Euro- Mediterranean Regions: Survivors in Despair

The Cases of Cyprus, Libya/Italy, and Lebanon

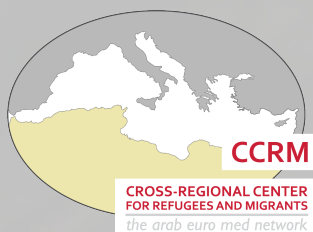


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Introduction

Approximately 281 million people, or about 3.6 percent of the world's population, live outside their nation of origin, with many of them migrating under duress in varied degrees¹. With power shifts, economic instabilities, wars, and the pandemic, some countries are no longer a safe host for their citizens, and migration becomes the answer. Migration as a term is defined as a lasting change of residence by a person or a group is referred to as migration, excluding nomadism, tourism, and commuting². Meanwhile, migrant is an “umbrella term” not defined under international law yet expresses the general lay concept of a person who moves away from his or her regular residence, whether temporarily or permanently, inside one country or across an international border, for a number of reasons³. A migrant is also addressed by the United Nations Human Rights Office of the High Commission as “any person who is outside a State of which they are a citizen or national, or, in the case of a stateless person, their State of birth or habitual residence”, with no universal and legal definition of the term “migrant”.

Some confusion rises differentiating the statuses “migrant” and “refugee”. The Global Compact on Safe and Orderly Migration explains that refugees and migrants have the same universal human rights and fundamental freedoms, which must always be recognized, protected, and fulfilled⁴. Migrants and refugees, on the other hand, are two distinct groups with unique legal systems⁵. Only refugees, as defined by international refugee law, are entitled to special international protection⁶. The Global Compact relates to migrants and lays forth a cooperative framework for dealing with migration in all of its forms.

Migration is not limited to one age group or gender. A significant number of migrants all around the world are Children. The convention on the rights of the child defines a child as any human being under the age of eighteen⁷. Migrant children fall under a number of categories, in terms of documentation and companionship. Documented migrants in general are provided better access to services and support from the government and community, while undocumented ones lack the same level of access to such services and support; what puts them in a more vulnerable position.

¹ "OHCHR | About Migration and Human Rights". 2022. OHCHR.

<https://www.ohchr.org/EN/Issues/Migration/Pages/about-migration-and-human-rights.aspx>

² "Human Migration | Definition, Overview, & Facts". Encyclopedia Britannica. <https://www.britannica.com/topic/human-migration>

³ "Who Is A Migrant?". 2022. International Organization for Migration. Accessed March 14. <https://www.iom.int/who-migrant-0>

⁴ The Global Compact on Migration.

⁵ Ibid

⁶ Ibid

⁷ Convention on the rights of the child, part 1, article 1.

The middle east, north Africa, and Euro-Mediterranean regions have always witnessed a heavy flow of migration and the countries in this region are host to a significant number of migrants. While countries in Europe are mostly the destination for a better living for most of the migrants, countries in the MENA region are a better place to escape to than the migrants' countries of origin. The Convention on the Rights of the Child defines unaccompanied migrant children, or minors, as "children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so"⁸. When accompanied by their family members, migrant children follow their family's footsteps throughout their journey, meanwhile unaccompanied migrant children are on their own with no one by their side, and are in a very vulnerable position that could put them as an easy target for traffickers and criminal groups. The United Nations Office on Drugs, Crimes, and Human Trafficking defines trafficking as "the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit"⁹, it's also referred to as a "form of modern day slavery"¹⁰.

Also, migrant children do not have adequate access to services, are subject to gender based violence, sexual exploitation, discrimination, xenophobia, physical and psychological abuse, Trauma, early marriage, child labor, sexual exploitation and abuse, language and cultural barriers, as well as many other problems that will be discussed in depth throughout this report.

The report will focus on migrant children in the countries of Libya, Italy, Cyprus, Lebanon, and Egypt. The Cross-Regional Center for Refugees and Migrants, in collaboration with its member organizations and partners, will share the data collected from these countries through field work, interviews, desk reviews, and testimonies.

Legal framework

Most of the existing international treaties put migrant children under the umbrella of migrants in general, meaning that they do not identify migrant children as independent individuals capable of deciding upon their own actions. Treaties and conventions such as the International Covenant on Civil and Political Rights (ICCPR)¹¹ and the International Covenant on Economic, Social and Cultural Rights (ICESCR), apply to everyone including migrants. The

⁸ The Convention on the Rights of the Child of 20 November 1989 (CRC), article 1

⁹ "Human-Trafficking". 2022. United Nations: Office On Drugs and Crime. Accessed March 14. <https://www.unodc.org/unodc/en/human-trafficking/human-trafficking.html>

¹⁰ "Human Trafficking | Definition, Tactics, Statistics, Types, Examples, & Facts". 2022. *Encyclopedia Britannica*. Accessed March 14. <https://www.britannica.com/topic/human-trafficking>

¹¹ ICCPR, Art. 25

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO Conventions apply to migrants in general, and migrant workers specifically. In OHCHR report “Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations”, it is stated that The International Bill of Human Rights (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) provide a distinction in terms of rights between nationals and non-nationals in certain areas¹². Beside some exceptions, the international human rights framework applies to all migrants “regardless of where they are, and regardless of their status”¹³.

Many existing ratified treaties are of great importance and hold within their plies a guarantee of safety and respect of the human dignity of migrants in general, including migrant children. For example, the international human rights law strictly limits the conditions of detention¹⁴. On the same note, migrant workers and their family members are not to be put in detention or arbitrarily arrested, whether by their own or with their family members, as stated in “The International Convention on “The Protection of the Rights of All Migrant Workers and Members of Their Families”¹⁵. Although the latter does not directly address migrant children, but they definitely are included in such laws and principals. Also, “The Universal Declaration of Human Rights” and the 1951 Convention relating to the Status of Refugees, grant migrants of all ages the right to seek asylum in another country¹⁶. In addition, while not stated explicitly, migrant children are defended against discrimination in the International Covenant on Civil and Political Rights (ICCPR) addressing nationals and non-nationals in any country. The International Covenant on Economic, Social and Cultural Rights paragraph 14 addresses the states duty to respect the right to health for all individuals on their territories, inclusive of migrant children regardless of their legal status. These international treaties and conventions, in addition to many others, all address indirectly the rights of migrant children.

The first international legal framework to explicitly address migrant children is the “Convention On the Rights of Child” (CRC). The convention was adopted and opened for signature, ratification and accession in November 1989, and entered into force in accordance

¹² Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, OHCHR,
<https://www.google.com/url?q=https://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf&sa=D&source=docs&ust=1645223563852844&usg=AOvVaw3d4a9q1Rg0NcxVEeApXZ5U>

¹³ Ibid

¹⁴ CCPR, General Comment No. 35, supra note 102, para. 14

¹⁵ ICMW, Art. 16(4).

¹⁶ OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, 2014, p. 31. 133 See OHCHR, COVID-19 and the human rights of migrants: Guidance

with article 49 on the 2scd of September 1990¹⁷. The CRC disregard nationality and immigration status prioritizing the protection of the child, and highlight state obligations towards children on their jurisdictions. Unfortunately, the convention only addresses migrant children in the following articles: “Article 10 on family reunification, Article 36 24 on protection from all forms of exploitation, Article 37 on protection from torture or other cruel, inhuman or degrading treatment or punishment, and from unlawful and arbitrary deprivation of liberty”¹⁸. Yet, the underlying principle of the CRC, whether migrant or not, are the best interest of the child, non-discrimination, development, and evolving capacities. Articles 2(1), 3(2), and 4 cover discrimination and call out state parties to adhere to their obligation to “respect and ensure” every right of children mentioned in the convention. Article 2 refers to the inclusivity of all children disregarding their nationality and legal status when it comes to the State ensuring access to rights and highlight the importance of non-discrimination¹⁹. Article 3 covers the best interest of the child, including migrant children, by the government, the public, and private bodies in the state to “respect and ensure” all the rights in the Convention to all children in their jurisdiction without discrimination of any kind²⁰. Child’s evolving capacities are covered by article 5, where it’s mandated that “States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”²¹. Article 6 reflects on the child’s right to “life and full development” and the state’s role in providing the right services, facilities, laws, procedures for that²². Meanwhile, article 12 elaborates on the importance of child participation in decisions, giving an importance for the opinion of the children, what also promotes development, while article 5 supports article 12 highlighting the importance of taking into consideration the words of the child, in places like courts for example, and to have a say in matters that immediately affects him/her²³. Article 19 calls for the protection of all children from all forms of violence, physical and mental²⁴. Both the articles 34 and 36 on exploitation (including sexual exploitation) come hand in hand with article 20 calling for the protection of unaccompanied and separated children from all forms of exploitation, abuse, and violence²⁵. Article 35 looks more into abduction, trafficking, and selling of children while

¹⁷ "Convention On The Rights Of The Child". <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

¹⁸ https://publications.iom.int/system/files/pdf/iml_15_en.pdf

¹⁹ "Convention On the Rights Of The Child". <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

²⁰ Ibid

²¹ Human Rights Of Migrant Children. 2008. International Organization for Migration.

²² Ibid

²³ "Convention On the Rights Of The Child". <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

²⁴ Ibid

²⁵ Ibid

migrant children, especially separated and accompanied children, are considered most vulnerable in such cases²⁶. Many other articles in the convention elaborate on other form of exploitation and harmful acts that children, regardless of their legal status and nationality, needs to be protected from, and calls state to work on providing them with a safe environment that keeps them protected and assure them access to services that serve their needs, promoting healthy development until adulthood.

The Sustainable Development Goals of 2030 follow the convention by promoting the rights of migrants in general, while calling for goals that have major life altering effect for migrant children. The goal 10.7 Call for the facilitation of “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well managed migration policies”²⁷ what protects migrants in general and migrant children specifically from the risk of falling victims to traffickers and criminals while attempting moving to another country, or residing in a country undocumented. Goal 16.2 directly targets children through calling to “End abuse, exploitation, trafficking and all forms of violence against and torture of children”²⁸. The SDGs hold 24 indicators that are relevant for disaggregation, meaning that SDG indicators related to migrants are to be “disaggregated” regardless of the status of the migrants, in respect to the “leave no one behind” concept.

The Global Compact on Safe and Orderly Migration (GCM) came to life after the SDGs to be the first inter-governmental agreement covering migrants and migration. The GCM was adopted in 2018 after the New York Declaration for Refugees and Migrants in 2016, which marked member states acknowledging that “migration and refugee matters had become major issues squarely in the international agenda”²⁹. The GCM is guided by the 2030 Sustainable development Goals, the Addis Ababa Action Agenda, in respect to the Declaration of the 2013 High-Level Dialogue on International Migration and Development. The GCM also reflects the child rights language present in the Convention on the Rights of the Child and the implementation of the GCM “ensure greater respect, protection and realization of the rights of refugee and migrant children. In addition to specific paragraphs focusing on children, other paragraphs of the Global Compacts outline measures which would indirectly contribute to the protection of children on the move – measures to improve protection, livelihoods, durable solutions and the participation of children’s parents and caregivers”³⁰, referring here to both global compacts on refugees and on migration. Therefore, the protection of the right of

²⁶ Ibid

²⁷ SDGs 2030

²⁸ Ibid

²⁹ The Global Compact on Safe and Orderly Migration.

³⁰ "A Guide - Children & The Global Compacts On Refugees & Migration Understanding What's In The Compacts And How To Engage With Them". 2021. Destination Unknown. <https://destination-unknown.org/assets/Uploads/8868d7d220/Destination-Unknown-Child-Rights-and-Global-Compacts-Guide-160421.pdf>

migrant children lays at the core of the GCM. For example, paragraph 15 of the GCM stating that:

“The Global Compact is based on international human rights law and upholds the principles of non-regression and non-discrimination. By implementing the Global Compact, we ensure effective respect, protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. We also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance against migrants and their families.”³¹

The above mentioned paragraph calls to not discriminate between migrants and nationals and provide services for everyone regardless of their migration status, gender, color, nationality, etc...

Also, the GCM refers to the best interest of the child in its different aspects and understandings in paragraph 15³², paragraph 21o of obj. 5³³, paragraph 23e³⁴ and 23f of obj. 7³⁵, paragraph 27e of obj. 11³⁶, paragraph 29h of obj. 13³⁷, and paragraph 37g in obj. 21³⁸. Other paragraphs in the GCM serve to protect the rights of migrant children too, in respect of the best interest of the child, non-discrimination, protection, non-detention, participation, and all that falls under the child safeguarding policies and protection.

Although adopted by the majority of UN Member States at an Intergovernmental Conference in Marrakesh, Morocco, the GCM is not fully integrated in the policies and actions of many countries, and migrant children still face numerous risks and dangers when seeking a better life.

Data on migrant children, especially unaccompanied and undocumented, is hard to attain, while very scarce too in certain countries. Throughout the rest of this report, we have collaborated organizations and experts from the countries in discussion.

The Case of Cyprus

Note: This section was done in collaboration with CCRM member organization “Hope for Children”. Some of the data and numbers were provided by them based on their work and accessed information.

³¹ Global Compact on Safe and Orderly Migration.

³² Paragraph 15 is looked at as the Child sensitive part of the GCM

³³ On Family Reunification

³⁴ The paragraph Mentions: “the best interests of the child are appropriately integrated, consistently interpreted and applied in coordination and cooperation with child protection authorities”

³⁵ On sustainable solutions for separated and unaccompanied children.

³⁶ On the right to family life.

³⁷ On alternatives to detention.

³⁸ On return and readmission of migrant children

Cyprus has a very strategic location as an island in the Mediterranean Sea. Although the republic of Cyprus has been part of the European Union since May 2004, it is also considered by some a part of the Middle East. The population of Cyprus is of two ethnic groups, the Greek Cypriots making 4/5 of the population, and the Turkish Cypriots presenting the remaining 1/5³⁹. The island is divided between the Republic of Cyprus comprising (59% of the island's surface) and the Turkish Republic of Northern Cyprus (36%), and a Green Line buffer zone under the UN (4%)⁴⁰. During 2017, Cyprus was the second European country in terms of immigration rate while it became the country with the highest number of individuals seeking asylum in relation to the population of the country in 2019⁴¹. According to the Migration Data Portal: "in mid-2019, the [Cyprus] recorded 191,900 international migrants, 16% of the total population, with a net migration (estimated between 2014-2019) of 25,000 immigrants, of which 55.6% were women and 44.4% men. Of these, the majority were between 20-64 years of age (80%), while 10.8% were under 19 and 8.8% were over 65"⁴².

Cyprus is looked at by many migrants as a short or long-term transit point to reach Greece, and from there have access to other countries in Europe or simply stay there. Yet, the EU-Turkey migration deal of 2016⁴³ made her target to many migrants and refugees, with their numbers increasing on a yearly basis. The migration deal stated earlier aimed at reducing the number of refugees heading to Europe and to lessen the load of refugees in Cyprus by Turkey taking action and hosting the refugees itself. Turkey did take action, but it wasn't as significant, making the island overcrowded and "stretching all services and facilities far beyond capacity" during the past 5 years⁴⁴. In 2020, the two parts of Cyprus (Turkish and Greek) had 228,000 internally displaced persons, 66 stateless persons by mid-2021, and a total of estimated refugees and migrants arrivals of 31,219 between January 2015 and December 2021⁴⁵. The Cypriot authorities currently claim that the country is in crisis, especially in light of the Covid19 pandemic. Meanwhile, a statement was issued by the council of Europe in March 2021 voicing concern about the bad the living conditions of migrants, asylum seekers, and refugees in Cyprus. Such concern were built on reports on dirty and crowded reception facilities in Cyprus⁴⁶, in addition to violent pushback at sea of migrants,

³⁹ "Cyprus". Encyclopedia Britannica. Accessed March 15. <https://www.britannica.com/place/Cyprus#ref33836>.

⁴⁰ "Cyprus - Migrants & Refugees Section". 2022. Migrants & Refugees. Accessed March 15. <https://migrants-refugees.va/country-profile/cyprus/>

⁴¹ Ibid

⁴² Ibid

⁴³ "What Is The EU-Turkey Deal?". 2021. The International Rescue Committee. <https://eu.rescue.org/article/what-eu-turkey-deal>

⁴⁴ Ibid

⁴⁵ "Cyprus". 2022. The World Factbook. Accessed March 15. <https://www.cia.gov/the-world-factbook/countries/cyprus/#transnational-issues>

⁴⁶ Horwood, C., & Frouws, B. (Eds.). (2021). Mixed Migration Review 2021. Highlights. Interviews. Essays. Data. Geneva: Mixed Migration Centre. Available at: <https://mixedmigration.org/resource/mixed-migration-review-2021/>

including migrant children, and ill treatment⁴⁷ the Council of Europe, a human rights watchdog, issued a statement of concern in March 2021 about the poor living conditions of refugees, migrants, and asylum seekers in Cyprus following reports of dirty and crowded reception facilities on the island. It also highlighted reports of ill treatment and violent pushbacks at sea.

Undocumented migration has fell heavy on Cyprus. The authorities in Cyprus have requested the European Commission's approval to "suspend asylum seekers' applications" for all undocumented migrants, regardless of their age, due to the "demographic change" and "acute socio-economic effects"⁴⁸. So far in 2022, more than 700 undocumented migrants have filed asylum application, while last year brought 13,500 asylum applications according to the Phileleftheros journal. Nikos Nouris, the interior minister of the republic of Cyprus, has shared that during the months of October and November 2021, 4000 migrants arrived to Cyprus.

The current situation in Cyprus did not stop or discourage the entry of undocumented migrants, including unaccompanied migrant children. The Phileleftheros has reported that traffickers, smugglers, and criminal gangs are taking advantage of the situation in Cyprus and raising their fees. It was reported that gangs of smugglers smuggle migrants of all ages across the Green Line towards the Greek part of Cyprus so migrants can apply for asylum in the EU, all charged between 300 to 500 Euros⁴⁹

In Short, migrant children in Cyprus, whether accompanied or not, are very vulnerable. Migrant children are not exempted from detention in Cyprus, and the ongoing crisis in the country also affects them, playing part in causing a lack of access to services, inducing bad mental health, and putting migrant children, especially if unaccompanied, at risk of trafficking, exploitation, early marriage, and being reached out to by criminal groups.

The Cypriote system in dealing with unaccompanied migrant children is weak and needs improvement, especially that the country hosts a number of unaccompanied migrant children and asylum seekers that it is incapable of fulfilling its duty towards them based on the signed and ratified international treaties by Cyprus. During the 2021, approximately 545 unaccompanied children seeking asylum in Cyprus. According to Asylum Service Statistics, Cyprus hosts minors mainly from Somalia, DRC, Syria and Guinea Bissau. They are divided

⁴⁷ Hauswedell, C. (2021) Cyprus urged to improve its treatment of asylum seekers. InfoMigrants.

⁴⁸ "More Than 700 Migrants Have Reached Cyprus This Year". 2022. *Infomigrants*.
<https://www.infomigrants.net/en/post/38015/more-than-700-migrants-have-reached-cyprus-this-year#:~:text=The%20government%20of%20Cyprus%20says,crisis%22%2C%20propelled%20by%20Turkey>

⁴⁹ Ibid.

among residential care, foster care, semi-independent living accommodation and the first reception centre of Pournara.

The tables below present the number of unaccompanied migrant children in Cyprus applying for asylum, from 2012 until 2021

Asylum Service statistics (UMC new applications for International Protection)

2012	2013	2014	2105	2016	2017	2018	2019	2020	2021
26	67	54	114	216	224	259	535	313	545

As soon as a child enters the Republic of Cyprus, s/he is taken to the first reception centre in the city of Pournara, where representatives from the Immigration services and the Social Welfare Services are present. At that initial point, the minor undergoes all medical examinations and is interviewed by the Police (at the presence of an immigration officer and a representative of the SWS, which will be his/her legal guardian until s/he turns 18). To ensure that all steps of the application are followed and met, the Asylum Service works closely with many different sectors, such as the Social Welfare Services, the Ministry of Interior and UNHCR. If necessary, age assessment is conducted and, if the child is proved to be minor, s/he is moved into the Homes for Hope, ran by “Hope for Children” CRC Policy Centre or if they have relatives in Cyprus they are usually evaluated in order for them to become their foster parents. According to Article 10 of the Refugees Law 2000-2019⁵⁰, as soon as an unaccompanied minor/child enters the Republic of Cyprus, s/he is placed under the care of the Director of Social Welfare Services, acting as a guardian of the minor, safeguarding access to his/her rights (i.e. accommodation, care, health, education, leisure, time, etc.) based on the best interest of the child.

In addition to that, the Commissioner of Children’s Rights in Cyprus is appointed as the legal representative of unaccompanied minors in judicial proceedings. The Social Welfare Services are responsible for providing information and support to the minors, in cooperation with different services and organizations, such as the Ministry of Education, Culture, Sports and Youth, the Ministry of Health, schools and the police. Apart from that, the social welfare services also provide:

⁵⁰ Cyprus: Refugee Law of 2000 [Cyprus], No. 6(I) of 2000, 2000, available at: <https://www.refworld.org/docid/4a71aac22.html>

- Four state Homes for the accommodation of unaccompanied minors (two in Larnaca, operated by “Hope for Children” CRC Policy Center, and one in Limassol) and two private Homes in Nicosia (operated by “Hope For Children” CRC Policy Center)
- Foster Care Programme, in cooperation with “Hope for Children” CRC Policy Center, which receives state funding (through the grants-in-aid scheme) and whose role is to find and assess families for foster care
- Semi-Independent Living Programme, whose aim is to help unaccompanied children over the age of 16 with their transition to adulthood
- Semi-Independent Living and Transition to Adulthood programme, operated by the International Office of Migration, which receives state funding.

Social Welfare Services (SWS) have also a role to ensure the participation of unaccompanied minors in actions aimed at further socialization and integration into the society, such as educational and sports activities. SWS currently employs 42 Social Services Officers. Of those, 19 officers are handling the cases of Unaccompanied migrant children.

The Foster Care Program is implemented through a memorandum of cooperation between “Hope for Children” CRC Policy Centre (HFC) and Social Welfare Services (SWS) that are the competent public authorities in Cyprus to ensure the best interest of the children. The cooperation started as a Pilot Program in 2016 only for Unaccompanied migrant children, and by 2018 it began to involve children born in Cyprus.

The aim is to promote the foster care for children under the protection of the Director of SWS, to support and protect their rights and to provide an alternative care, through raising of awareness about this institution and evaluation, training and support to the foster families. The number of UMCs who are currently (as of November 2021) hosted in foster families are 63.

Five types of foster care can be identified: Kinship, short term, long term, Hosting, and emergency. To be approved as a foster carer, the candidates have to complete an application form to express their interest, to pass from a training in regards the procedures and the institution of foster care, to attend at least 4 meetings of Psychosocial assessment, which includes house visits and psychological assessment (constituting at least 2 meetings). Based on the results of the psychological assessment, a final assessment report is produced and the approval or rejection of the applicants is suggested. A foster parent is required to have a clear criminal record, a clear record of sexual offences against minors and a health certificate (clear from any sexually transmitted diseases). Important characteristics of a foster parent are proper care and education, safety, boosting self-esteem and personal development, ability to promote the minor’s health and well-being in every possible way.

Furthermore, the living conditions of the foster family should be stable, each potential foster parent should be available to receive training and prepare for his/her role as a foster parent, to respect the religion, race, language and the specific needs of the child and to allow the communication between the child and the biological family, if applicable. Finally, a cooperation is required with “Hope For Children” CRC Policy Centre and the Social Welfare Services, whom will continue to be the legal guardian of the minors even after being placed in a foster family.

Sometimes foster care for unaccompanied migrant children can be hard and challenging: Since the minors are mostly teenagers with traumatic experiences and complex needs, finding them a foster family is not always easy. In the case that the minor has relatives in Cyprus, they are always evaluated.

Migrant Children Access to Education

In providing better access to education for migrant children, CCRM member organization “Hope for Children” CRC Policy Centre (HFC) works in collaboration with the government and other organizations on a number of national and international projects and programs that contribute to the wellbeing of migrant children. Among those is the Mediterranean Inclusive Schools (MEDIS) project. This project is in collaboration with other stakeholders in Cyprus, Spain, Bulgaria, Greece and Portugal, to assess the needs of educators for social inclusion of newly arrived migrant children in the schools.

The Social Welfare Services (SWS) provide regulation for the protection and care to vulnerable children subject to physical or/and psychological abuse due to inadequate or absent family care. When a family presents as inadequate, the Director of Social Welfare Services is empowered by legislation to take the child into its care and to assume parental rights and responsibilities, as a guardian of children⁵¹. The SWS are therefore responsible to provide the children with shelter, food and care as well as health care and education. By virtue of the national Refugee Law⁵², the Director of the Social Welfare Services is the legal guardian of all unaccompanied children found in the territory of the Republic of Cyprus. This in effect translates into an obligation to care and safeguard the rights of accompanied and unaccompanied migrant children. Children under the legal care of the Director of the Social Welfare Services, between 0 – 18 years of age (Cypriots or migrant children), are placed generally in the private or State Institutions or alternative care through the foster care institution.

⁵¹ Cyprus National Refugee Law. 1956. Chap. 2. Cyprus: Government of Cyprus.

⁵²Cyprus National refugee Law, L. 6(I)/2000 (article 10).

According to the above mentioned laws, children and unaccompanied children are considered vulnerable groups in need for legal protection. When an unaccompanied child is identified, the Social Welfare Services are informed and called on the spot to make appropriate arrangements for the child in question. From that point on the child is placed under the guardianship and care of the Director of the Social Welfare Services automatically and there is no formal procedure required in order to transfer the parental rights of the unaccompanied children upon the Director of the Social Welfare Services. The Social Welfare Officer refers the child to one of the existing residential units for unaccompanied children or hands over the child, after an initial screening, to a relative, who will at a later stage undergo the process of evaluation for becoming a foster parent for the child.

Following the initial placement of the child, to one of the above mentioned forms of accommodation, the child is guided through the asylum process. The first step of the asylum process is to submit their application for international protection (asylum). Some local organization in Cyprus, including “Homes for Hope”, a specialised team of lawyers is available to inform the child of the process of asylum, their rights as asylum seekers and assist with all necessary legal and administrative steps in coordination and cooperation with the SWS officer responsible. At the state-run shelters this function falls on the shoulders of the SWS officer responsible, who may or may not have the appropriate knowledge and has a significant workload. Following the submission of the asylum application, the children undergo a series of medical exams required for all asylum seekers.

An age assessment claim could be requested solely by the Asylum Service when the application is submitted. In practice, from the day that a person claiming to be an unaccompanied migrant child is identified they will be placed under care and the claim of minority will be examined at a later state. It may take up to three months from the arrival and identification of the child until a final decision has been reached regarding the claim of minority meanwhile they are hosted in reception centres with other unaccompanied children.

According to Art. 10 of the Refugees Law (N. 6(I)/2000], as it was amended, the Commissioner of the Rights of the Child, provides legal representation to unaccompanied minors, as part of the procedures for examining their asylum applications, having in mind, the best interest of the child. This development is an implementation of the Cypriot commitments stemming from both European Law and the Convention on the Rights of the Child on protection of unaccompanied children who are a particularly vulnerable group in relation to the violations of their rights: *“Children have the right to special protection and help if they are refugees (if*

they have been forced to leave their home and live in another country), as well as all the rights in this Convention”⁵³.

This legislation governs all matters relating to applicants for international protection and refugees, including their rights in reception conditions. Yet, many migrants, including migrant children, have reported very bad reception conditions, overcrowded spaces, few toilet facilities compared to the number of migrants. This law has incorporated the European Directive laying down standards for the reception of applicants for international protection: “to ensure them a dignified standard of living and comparable living conditions in all Member States”⁵⁴. The Refugee Law actually copies and reproduces the provisions of the above mentioned Directive, defines reception conditions, as well as the right to education which is an important aspect of becoming autonomous. In accordance with the Directive Art 21 “Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents [...]”⁵⁵.

In 2017, 225 unaccompanied children applied for asylum in Cyprus making approximately 32.4% of all asylum applications received. 64% of the total were males, but only 4% were 14 years or less. According to Eurostat, 46% came from Syria, 38% from Somalia, and 6% from the Democratic Republic of the Congo. In 2018, 280 unaccompanied and separated children (teenagers around 15 to 17 years of age) still have asylum-applications under pending examination⁵⁶, which displays the acute need for reception centres⁴. The present functional shelters have been running over their official capacity with the “the same number of staff available and services become fragmented” according to Kristina Marku, the Child Protection Coordinator at the private shelters Homes for Hope, and to each case is devoted less and less time. Unaccompanied migrant children arriving to Cyprus during the past 5 years are mostly from Somalia, and from other African countries such as Cameroon, Congo, Nigeria and the Ivory Coast. From these, and around 150 unaccompanied children (75% boys and 25 % girls) were placed in 2018 in state-run and private shelters on a short or long term period.

The last 5 years also brought changes to policies and practices related to unaccompanied migrant Children in Cyprus. First, up until 2014 unaccompanied children were prosecuted for illegal entry and/or possession of false documents. Now, as discussed previously, unaccompanied migrant children are introduced to the SWS. Second, the age assessment process has changed too, both in context and procedures. Previously, age assessment

⁵³ Article 22 (Refugee children)

⁵⁴ Adopted under the Common European Asylum Policy, with Directive 2013/33/EU of the European Parliament and of the Council of 26th of June 2013

⁵⁵ The European Directive Art 21(CHAPTER IV – Provisions for vulnerable persons)

⁵⁶ The United Nation High Commission for Refugees

entailed a screening interview by an Officer of the Asylum Service, who would refer the child for further medical examinations which included bone density tests (teeth and wrist x-ray) and sexual maturity tests. Moreover, children were referred for the initial screening only in cases of doubt about the declared age. Today, all unaccompanied children will be referred for the initial screening interview, and the sexual maturity tests are no longer performed as they were found to infringe on the privacy of the person, religious belief and could possibly lead to abuse of the child. The Refugee Law in books provides that any medical examination shall be performed in full respect of the unaccompanied child's dignity, carried out by trained professionals and less invasive exams but the law in actions shows that and many times this procedure leads to frustration and re-victimisation Third, in terms of legal representation, as of mid-2016, the Commissioner for Children's Rights provides unaccompanied children whose asylum application have been rejected at first instance by the Asylum Service with an independent lawyer who will challenge the negative decision before the Administrative Court.

On the other hand, a gap remains in the preparatory stage of submitting the asylum application and preparing for the interview. The children at "Homes for Hope" have access to legal professionals that are tasked with assisting the children in this process. This service is not available for children residing in state run shelters, which are staffed with non-specialised staff.

Little has been done in terms of screening for other elements of abuse such as trafficking. The referrals made by either the guardians or the Asylum Service Officers to the specialised unit for the prevention and combating of trafficking in persons are very limited in numbers if any.

Another negative development would be the time it takes for an application to be processed and evaluated. Cyprus has seen an increase in asylum application in the last few years, and this affected negatively the existing and new applications. It now takes significantly longer for an asylum application to be processed by the asylum service, that is not able to cope with the rising numbers. Delays are identified at the cases pending before the Administrative Court (second instance decision) and the Refugee Reviewing Authority. Thus the Refugee Reviewing Authority continues to receive administrative recourses against negative decision in parallel with the Administrative Court. However, the staff of the Reviewing Authority was minimised in light of the pending termination of its works which in turn created a massive backlog of cases in earlier year, and the pandemic also affected their work. In light of the Covid19 pandemic, many applications were put on hold, while the minimized number of staff while coping with the pandemic faces an overload of applications that need review.

The Cypriot law related to unaccompanied migrant children states that when unaccompanied children become aware of their benefits which depends on their legal status (Asylum Seeker, Subsidiary Protection Beneficiary, Recognised refugee) they are entitled to receive useful

information about Public services and Organization that can help them when becoming migrant adults. In practice, despite acquiring some practical tools during residential care, the UMCs receive fragmented support or short term support aimed to integrate them in the society or to build a personal life project within the state care facilities.

Some data available on the number of children in residential care dates back to 2018, stating that their number is 339, with 222 being unaccompanied migrant children who arrived in Cyprus because of the migration crisis from war zones.

There are 5 shelters offering protection to UMCs in Cyprus, 3 state shelters, 1 in Limassol and 2 in Larnaca and 2 private shelters in Nicosia, operating by HFC under specific regulation by the Social Welfare Services. The reception standards differ significantly between the NGO and the state-run shelters, including the accommodation standards and additional rehabilitation/recreational/educational services. In private shelters, the children are supported in their resilience process and, when possible, enrolled in public schools and provided with psychological, social, and legal support. Those who are unable to attend school are enrolled in Greek classes and are given additional educational opportunities through various workshops.

The private shelters Homes for Hope operated by “Hope for Children”, accommodating since 2014 more than 234 unaccompanied children, provide multidisciplinary services (legal, social, psychological and educational) based on expressed or identified needs of the children and/or needs arising on the spot. The services are complimentary to each other with the best interest of each child being the guiding principle:

- Legal counselling in relation to the asylum process, family reunification, rights and obligation in the host country.
- Psychological support and interventions when needed.
- Educational support and addressing recreational needs.
- Social integration support that is focused on rehabilitation and social integration.

The rehabilitation outside the reception centre for migrant children transitioning to adulthood is severely hindered by the existing system of support for adults. The obstacles for a successful and systematic care and transition to autonomy are many. First, benefits such as coupons for basic needs and allowance take up to months to be received by children in transition, and are not always easily accessible. Second, the rent allowance is very low (100 euros) and does not correspond with the existing market values for housing. Thus it is difficult to find appropriate accommodation, and if this is achieved the applicants are often faced with the risk of evictions and homelessness due to delayed payments. Third, there is little

preparation of children to adulthood and once in transition they do not benefit from the same opportunities and tools for professional success as other children; work availability is limited for asylum seekers as national law establishes the right of asylum seekers to work in specified industries after submitting their asylum application.

However, a positive development and decision by the Minister of the Interior was made, amending The Refugee Law (2000-2018) and giving applicants for an international protection status the opportunity to work in certain fields after one month of filing the application, therefor reducing the time taken to access the labour market and contributing to the faster social integration of applicants. In practice, delays are systematically encountered at different levels of assistance (approving applications, issuing permit documents, receiving benefits etc.) and the sensitivity of the cases of unaccompanied migrant children indicates the inconsistency between the legal framework and practice, while stresses the need to improve the residential care system.

Due to the increase of incoming unaccompanied migrant children, new reception centers are being built in different cities to accommodate more UMCs.

Non-Governmental organizations in Cyprus are doing a great job filling the gap the government's efforts are leaving. Unfortunately, these efforts combined are still lacking due to the big number of migrant children on Cyprus territories. The pandemic, and they regular instabilities in the region require better international cooperation in application and not only through unbinding treaties. A whole of government and whole of society approached need be strengthened and better developed and coordinated.

The Cases of Libya and Italy

Located in north Africa, Libya is a big country on the Mediterranean that has been deeply indulged for the past years in political turmoil, insecurity, and instability. This instability reflected bad governing and weak government control of borders and land all together. Libya shares border with Algeria, Chad, Egypt, Niger, Sudan, Tunisia and it's a door to Europe for many migrants hoping for a safer and better life. More than one-third of Libya's migrants are from Chad, Egypt, Niger, and Sudan, in addition to tens of thousands of migrants who come from North Africa, the Middle East, West Africa, and Asia, including a large number of Bangladeshis, Burkina Fasois, Eritreans, Ethiopians, Ghanaians, Guineans, Malians, Moroccans, Nigerians, Senegalese, Somalis, Syrians, and Tunisians, as well as Palestinians,

with women account for roughly 10% of all migrants and children making 10%, including 2% who are unaccompanied or separated⁵⁷.

Since 2011, Libya has been immersed in an intense and protracted turmoil. Prior to the outbreak of hostilities, the country was a popular destination for labour migrants, with between 1.35 and 2.5 million migrant workers. The majority of labour migrants worked in the construction and health-care industries, with others also working in agriculture and industry. Despite the fact that over 796,000 migrants departed Libya in 2011, the country remains a popular destination for low- to medium-skilled migrants seeking to enter due to the country's low wages and constant need for migrant labour⁵⁸.

Libya had at least 625,638 migrants on its territory in 2020, with almost all of them (93%) coming from Sub-Saharan and North Africa, at least 348,000 children among them were found to be in desperate need of assistance, and more than 315,000 of them proving particularly difficult to reach because to COVID-19⁵⁹. These numbers are estimated to be less than the actual numbers of migrants in Libya due to the difficulty of accessing such data, the high spread of traffickers and smugglers in the country, and the Libyan law criminalizing undocumented migration. The Libyan Law No. 6 of 1987 on "Organizing the Entry, Residence and Exit of Foreigners in Libya", criminalizes irregular entry, stay and exit in Libya, punishable by a mandatory sentence of imprisonment or fine, and followed by the possibility of further migration detention while awaiting mandatory deportation from the country, regardless if it's safe for the migrant to be deported to his/her home country, and an indefinite re-entry ban.

Out of the nine core international human rights "law instruments", Libya is a state party to the following: "the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Rights of the Child (CRC); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW); and Convention on the Rights of Persons with Disabilities (CRPD)"⁶⁰, but did not join the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Regionally, the Arab Charter on Human Rights (Arab Charter), the African Charter on Human and Peoples' Rights (African Charter) and the Protocol

⁵⁷ "Unsafe and Undignified the Forced Expulsion Of Migrants From Libya". 2021. UNHCR.

https://www.ohchr.org/Documents/Issues/Migration/Unsafe_and_Undignified.pdf.

⁵⁸ "Libya - Migrants & Refugees Section". 2022. Migrants & Refugees. <https://migrants-refugees.va/country-profile/libya/>.

⁵⁹ Ibid

⁶⁰ "OHCHR Dashboard". 2022. Indicators. <https://indicators.ohchr.org/>.

to the African Charter on the establishment of the African Court on Human and Peoples' Rights were also ratified by Libya⁶¹. In practice, these law instruments are not fully respected.

According to article 6 in the Law No. (19) of 2010 on combatting illegal migration: "Foreign illegal immigrants shall be penalized by detention with hard labour or by a fine not exceeding 1,000 LYD. In all cases, a foreigner convicted of any of the crimes set forth in this law shall be expelled from the territory of the Great Jamahiriya"⁶². This law is considered to be the first law in Libya to define illegal migration and tackle it, and criminalizes undocumented entry to Libya whether for staying or crossing, or even aiding in it. Unfortunately, and in practice, this law pushes towards deporting undocumented migrants in form of expulsion regardless of the situation in the country they came from, putting them subject to great harm. This law applies to all ages and does not differentiate between a child and an adult. In 2019 and 2020, at least 7,500 migrants have been ejected from Libya's external land borders with 3,375 in 2019 and 5,182 in 2020 deportation incidents taking place⁶³. An IOM report on migrant in Libya between July and September 2021 showed that Libya had during this period to a total of 610,128 migrants, with 7% of them being accompanied migrant children and 3% unaccompanied migrant children⁶⁴.

When voting at the General Assembly on the GCM, Libya decided to abstain, as they have "reservations regarding certain points", claiming that GCM legalizes illegal migration, confuses migrant and refugees, does not distinguish between the rights of countries of "origin, transit, and destination", etc...⁶⁵. Despite its abstention, the Libyan government declared its commitment to improve its migration management in a report on their official position on the GCM sent to the IOM. Yet, and in practice, the government has shown for the longest a lack in sincere determination to regulate migration, using it as a leverage with the EU to get their demands. Migrants in Libya are subject to major human rights violations, and migrant children are most vulnerable.

Migrant children in Libya are more at risk of exploitation, abuse, and lack of access to services. They try to go as unnoticed as possible to be able to survive in the hard living conditions in the country, what influences their mental health negatively triggering isolation and trauma with very minimal to zero support facilities or programs available, especially that UNHCR no

⁶¹ "Unsafe and Undignified the Forced Expulsion Of Migrants From Libya". 2021. UNHCR.

https://www.ohchr.org/Documents/Issues/Migration/Unsafe_and_Undignified.pdf.

⁶² Law No. (19) Of 2010 On Combatting Illegal Immigration. 2010. General People's Congress.

⁶³ Libyan Directorate for Combating Illegal Migration (DCIM)

⁶⁴ "IOM LIBYA MIGRANT REPORT ROUND 38 July - September 2021". 2021. IOM.

https://migration.iom.int/sites/default/files/public/reports/DTM_Libya_R38_Migrant_Report.pdf.

⁶⁵ "The Regional Review Of The Global Compact For Safe, Orderly And Regular Migration Report Of The State Of Libya September 2020". 2022. The State of Libya Government of National Accord (GNA) Ministry of Foreign Affairs Department of International Organizations. https://archive.unescwa.org/sites/www.unescwa.org/files/events/files/libya-gcm_report_eng.pdf.

longer provides mental health support programs due the insecurity in the country⁶⁶. The journey many migrant children take to get to Libya is a very harsh one, and puts them under the mercy of the smuggler or the trafficker. Travelers to and through Libya face extreme environmental conditions⁶⁷, dangerous modes of transportation, limited access to food, water, and medical assistance, as well as abuse, and are frequently transported in dangerous pick-up trucks and rubber boats what makes them subject to extortion and maltreatment, such as robbery, detention, forced labour, sexual violence, and exploitation⁶⁸. Therefore, whether accompanied or not, migrant children are at great risk from the moment they decide to leave their country onwards.

That being said, it's essential to mention the threats migrant children in Libya face in terms of safety, such as arbitrary arrest and abuses of human rights. As mentioned, the Libyan law does not differentiate between ages, so when arrested for undocumented entry, migrant children are sent to detention centres, while awaiting expulsion. When detained, they are frequently housed in over packed cells with adults in the Department for Combating Illegal Migration (DCIM) detention centres, exposing them to different types of abuse such as assault, ill-treatment, forced labour, severe malnutrition, disease infection, and a lack of access to basic amenities⁶⁹. The year 2021 marked a total of 206 children inmates only in Tripoli prison institutions⁷⁰. In a Statement by UNICEF Regional Director for the Middle East and North Africa Ted Chaiban and UNICEF Regional Director for Europe and Central Asia and Special Coordinator for the Refugee Migrant Response in Europe Afshan Khan it was mentioned that "most [migrant children] are unable to access services and are vulnerable to exploitation and abuse within the country. Those in detention are cut off from clean water, electricity, education, health care and adequate sanitation facilities. Violence and exploitation are rampant", calling the Libyan authorities to "release all children and end immigration detention", stressing that "the detention of children in migration contexts is never in the best interest of children" and adding another call for authorities in Europe to "support and receive migrants and refugees coming to their shores and to strengthen search and rescue mechanisms"⁷¹. Commenting on the situation and living conditions of migrant children in Libya, the acting UNICEF Special Representative to Libya Ms. Cristina Brugiolo argued that "Migrant and refugee children in Libya continue to face grave child rights violations including

⁶⁶"Libya". 2022. Migrants & Refugees. <https://migrants-refugees.va/country-profile/libya/>.

⁶⁷ The weather conditions in Libya are very harsh, with an extreme desert interior as more than 90% of the country is a desert or semi-desert.

⁶⁸ Ibid

⁶⁹ "UNICEF Libya Flash Update 2 : Migrant Raids And Detention, 13 October 2021". 2021. UNICEF Libya Flash Update. UNICEF. <https://reliefweb.int/report/libya/unicef-libya-flash-update-2-migrant-raids-and-detention-13-october-2021#:~:text=More%20than%201%2C000%20migrant%20and,migrants%20intercepted%20in%20entire%202020.>

⁷⁰ Ibid

⁷¹ "Press Release: 114 unaccompanied children rescued at sea off the coast of Libya". 2021. UNICEF. <https://www.unicef.org/press-releases/114-unaccompanied-children-rescued-sea-coast-libya>

arbitrary detention [...] Children are held under devastating and inhumane conditions in these detention centers. We can assume the actual number of children held may be much higher as many boys are reportedly placed in cells with adult males”⁷². In short, migrant children are neither separated from adults, nor treated in respect to the Convention on the Rights of the Child. Article 37(b) of the Convention on the Rights of the Child clearly states that no child, regardless of their legal status or companionship, is to be deprived of his or her liberty “unlawfully or arbitrarily”, and the best interest of the child needs to be always prioritized. Detention centers in Libya lack all type of sanitary requirements and disregard the number of people compared to the number and space of facilities available such as bathrooms and open space. The Libyan coast alone is host to more than 20 detention centers, with cities such as Zuwarah, Hamza, Salah Aldin, Ain Zara, Triq Al Seka, and others dedicated for unaccompanied migrant children. Yet, many migrant children are detained with adult migrant, disregarding the fact that it is not permissible to do so as it could expose children to sexual exploitation and abuse. Also, reports were published calling out torture and inhumane practices towards detained migrants, including children. Arbitrary detention is linked to arbitrary arrests. In a series of interview conducted by OHCHR in 2020, a woman shared her experience with her baby saying: “[w]e survived a shipwreck, women, men and children have drowned that day. I had to swim for hours (...) I was so exhausted and traumatized; I went to the hospital with a baby and other women survivors (...) The police came and arrested all of us, we were wet and had no clothes to change (...) instead of taking care of us we were all taken to [a] detention center and locked up”⁷³.

During the month of October 2021, 255 migrant children were held among other 5000 migrants who were detained by the DCIM and Libyan Ministry of Interior. Reports shared that the detainees were subject to inhumane treatment, sexual and physical abuse, in addition to being put in overcrowded cells. On a similar note, a 17-year-old interviewee who was held in solitude, utter darkness, and in a cramped cell in Kufra unofficial detention center for a year shared the following:

“I was tortured and beaten [...] prayed to God to take my soul instead of being tortured [...] [the guards] took burnt plastic and put it on my body. I was staying in a building; when you go inside, it’s a small room, you can’t even see, you have to be sitting. Alone in the room, with nothing. No windows. I stayed for one year. When I was released, I couldn’t walk on my feet

⁷² “Press Release: Safety and Wellbeing Children High Risk Detention Centers”, 2021. UNICEF.

<https://www.unicef.org/press-releases/safety-and-wellbeing-children-high-risk-detention-centres-libya>

⁷³ “A Pandemic Of Exclusion The Impact Of COVID-19 On The Human Rights Of Migrants In Libya”. 2021. OHCHR.
https://www.ohchr.org/Documents/Issues/Migration/A_pandemic_of_exclusion.pdf.

*the first day because I couldn't move my knees. And I couldn't see anything because I was in the dark for one year"*⁷⁴

Such experience, as well as many others, have major effect on the mental health of the child and cause major trauma. Many international human rights instrument highlight the importance of the right to have be provided and secured with high standards of mental and physical health, while other instruments highlight the link between the right to the highest standards to mental and physical health, and other rights. These instruments include Universal Declaration of Human Rights⁷⁵, the International Covenant on Economic, Social and Cultural Rights⁷⁶, the International Convention on the Elimination of All Forms of Racial Discrimination⁷⁷, the Convention on the Elimination of All Forms of Discrimination against Women⁷⁸, the Convention on the Rights of the Child⁷⁹, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families⁸⁰, the Convention on the Rights of Persons with Disabilities⁸¹, and the Committee on Economic, Social and Cultural Rights, General Comment⁸² discussing the last point. Trauma is not only due to detention. Migrant children also deal with trauma due to discrimination, xenophobia, psychological and physical abuse, dangerous and life threatening situations, and very poor living conditions. Migrant children have been subjected to unspeakable tragedies during their transit through the country and/or their stay in it, as documented by OHCHR and other UN and civil society organizations, being at risk of illegal killings, torture, and ill-treatment, arbitrary detention and unlawful deprivation of liberty, rape and other forms of sexual and gender-based violence, slavery and forced labor, extortion, and exploitation by both State and non-State actors⁸³.

In light of the Covid19 pandemic, detention centers lacked safety precautions putting the lives of the detainees at great risk. Since the start of the pandemic, migrants have faced more human rights challenges. According to UNOCHA, 64% of migrants refugees household in Libya

⁷⁴ Ibid.

⁷⁵ The Universal Declaration of Human Rights, Art. 25.1.

⁷⁶ The International Covenant on Economic, Social and Cultural Rights, Art. 12.1

⁷⁷ the International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5 (e)(iv).

⁷⁸ The Convention on the Elimination of All Forms of Discrimination against Women, Arts. 11 (1)(f), 12, & 14 (2)(b).

⁷⁹ the Convention on the Rights of the Child, Art. 24.

⁸⁰ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Arts. 28, 43(e), & 45(c).

⁸¹ the Convention on the Rights of Persons with Disabilities, Art. 25.

⁸² the Committee on Economic, Social and Cultural Rights, General Comment 14, 2000, E/C.12/2000/4, para. 1.

⁸³ OHCHR, "Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya," 20 Dec. 2018, p. 4, available at <https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf> ; see also Amnesty International, "Between Life and Death: Refugees and Migrants Trapped in Libya's Cycle of Abuse," 2020, p. 36, available at <https://www.amnesty.org/en/documents/mde19/3084/2020/en/>; IOM & UNHCR, "IOM and UNHCR condemn the return of migrants and refugees to Libya," 16 June 2021, available at <https://www.unhcr.org/news/press/2021/6/60ca1d414/iom-unhcr-condemn-return-migrants-refugees-libya.html>.

had major difficulties and challenges trying to access health care services⁸⁴. Challenges include testing, vaccination, access to health, treatment, precautions, and prevention methods. overcrowding detention centers multiplied these risks. a rise of stigma and xenophobia were noted with the start of the pandemic until our current day.

Reports of discrimination, maltreatment, and calls for expulsion of migrants by some nationals were shared by a number of articles and reports. A video went viral on Twitter showing a man standing in front of a detention center in the city of Ajdabia. The speaker was claiming that “illegal migrants” cause the spread of Covid19 and calling for their expulsion⁸⁵. Xenophobia is not limited to topics related to Covid19, it is wide spread especially against migrants from the Sub-Sahara, and dark skinned Africans. This type of discrimination includes access to health and health facilities, that are no longer a safe space to access for undocumented migrants. For example, the city of El-Zaweya witnessed the arrest of undocumented migrants, including children, after trying to access a clinic for medical care. Another example includes the testimony of a woman, shared with OHCHR, sharing her experience saying: “[w]e survived a shipwreck, women, men and children have drowned that day. I had to swim for hours(...) I was so exhausted and traumatized; I went to the hospital with a baby and other women survivors(...) The police came and arrested all of us, we were wet and had no clothes to change (...) instead of taking care of us we were all taken to [a] detention center and locked up”⁸⁶. This reflects discrimination against migrants being a main barrier to accessing health care. OHCHR also shared the testimony of a 16 years old Sudanese boy who came to Libya seeking a better living, commenting: “I was badly injured in an accident; I was in pain and bleeding (...) I collected money and went to a hospital in Tripoli, taking all the risks to be arrested; I was desperate to seek medical care and stop the pain. Once at the gate, no one wanted to rescue me. I was told that there was no doctor to take care of me (...) I was asked simply to leave”⁸⁷.

Traffickers and smugglers benefit from the widespread instability in the country, and consider migrant children, as well as migrants in general, as an asset and added value to make money. Libyan laws and policies, hand in hand with the political instability, the insecurity, and widespread corruption, division and crimes, provide a good environment for traffickers, smugglers, and criminal groups to further worsen the situation for migrant children and conduct acts that put the children at huge risk. These groups were able to set foot on strong ground in an environment that has many gaps and flaws that give space to their work, through

⁸⁴ OCHA, “Humanitarian Needs Overview 2021: Libya,” Dec. 2020, p. 38, available at https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021-final.pdf

⁸⁵ <https://twitter.com/hassankadano/status/1298255920040796163>

⁸⁶ “A Pandemic Of Exclusion The Impact Of COVID-19 On The Human Rights Of Migrants In Libya”. 2021. OHCHR. https://www.ohchr.org/Documents/Issues/Migration/A_pandemic_of_exclusion.pdf.

⁸⁷ Ibid

building relations with personnel in the weak government or with influential and strong non-state actors, whom themselves could be too. Since Libya criminalizes undocumented entry of migrants to its territories, the smuggling business takes over covering the gap migrants find when aiming to move to another country, in search for safety. The Libyan Protocol Against The Smuggling of Migrants by Land, Sea, and Air, and the amended Law No. 6 target smuggling and state that anyone committing “migrant smuggling-related offenses” will be subject to mandatory imprisonment and fine. Law No. 19 that all foreign nationals convicted with an act related to ‘illegal migration’ will lead to putting penalties on smuggler and hosting secretly an undocumented migrant. This law applies with no exception to age and gender. So migrant children are also subject to these laws, and are living inconstant worry of detention and expulsion, putting them at the mercy of criminal groups, including traffickers and smugglers.

Smuggling is defined by UNODC as the “the procurement of the irregular, unofficial or undeclared entry of a person into a country different from his or her own for a material benefit”⁸⁸. Libya’s borders are mostly remote with high presence of armed groups who take part of smuggling and trafficking activities. Migrants have reported high costs imposed by smugglers, and report the journey being very harsh. A number of migrants, including migrant children have reported paying a lot of money to smugglers to move to Libya, and being left once they cross the borders to figure out their mysterious and dangerous journey all by themselves in the harsh environment of Libya. The journey with the smugglers is by no mean safe. Smugglers take advantage of the needs of the migrant and exploit the situation. Incidents of smugglers locking migrants of all ages were reported by different parties, including international platforms. Some imprison migrants and ask for money in return to the release of the detainee. An incident was reported after an 18 years old Sudanese boy was admitted to the hospital for treatment after severe burns as he was imprisoned by a smuggler who tortured him and asked for money to let him go, and when the money was not sent the smuggler covered the minor with gasoline and set him on fire⁸⁹. Some smugglers have links or prior agreements with trafficking groups and exploit migrants seeking their service through selling them for a certain price to traffickers.

Traffickers all over the region present grave danger. Whether in the country of origin or destination, Traffickers are criminal who exploit migrants in vulnerable situation seeking safety. Migrant children are an important target for traffickers, especially when unaccompanied. Traffickers claim ownership of the migrant child’s life and proceed to putting them in situations and conditions that are only beneficiary for the trafficker. When subject to

⁸⁸ United Nations Office on Drugs and Crime (UNODC), Protocol Against the Smuggling of Migrants by Land, Sea and Air. Vienna, 15 November 2000.

⁸⁹ “Libya: Young Sudanese migrant burned with gasoline by smuggler”. 2022. InfoMigrants.
<https://www.infomigrants.net/en/post/37721/libya-young-sudanese-migrant-burned-with-gasoline-by-smuggler>

traffickers, migrant children are treated inhumanly and are subject to exploitation of all kinds. This includes sexual exploitation, physical abuse, forced labor, forced prostitution, forced early marriage, slavery, exposure to drugs, and introducing and forcing the child into criminality. The levels of human trafficking for sexual exploitation have been progressively increasing since 2015, and Nigerian and Cameroonian women and girls are frequently targeted⁹⁰. Incident of slavery were reported in Libya, exposing buying and selling migrant children and adult migrants to certain groups, to be used for domestic service or even sexual exploitation which is mostly the case with girls being put in such a devastating and inhuman situation. In absence of a strong government, stable security, safety, and migration governance, and in presence of an international community prioritizing its interest over the migrants' interests and safety, migrant children in Libya, even if in transit, will always be in danger. In a series of interviews held by Oxfam to address minors' exploitation in Libya, an interview was held with a 16 years old boy from Sudan called Seif, who was able to reach Italy. His journey summarizes a huge part of the struggles migrant children go through in Libya. Seif shared his traumatizing and harsh experience reflecting the exploitation by traffickers and their lack of humanity, whom he ended up in their arms after a 2 years long trip to be able to reach Libya. He said: "They would close us in a room, made us undress and beat us with a plastic tube [...] a few days before the arrival, after holding me in the garage of a home where dozens of other migrants were detained, they took me to Tripoli in the back of a car for 37 hours with a little bread and water,". His family was forced to pay money for his release while he was doing forced labor. This incident was followed after two weeks by another kidnapping by another armed group, whom according to him "forced me to call home and if I wasn't able to talk to anybody they would hit me", while his family was financially devastated and had to borrow money to have him back. The corrupted system in Libya put Seife no a position to be forced to even pay bribes requested by people in the Libyan police after being caught by Libyan coastguard while trying to reach Italy for the second time. He mentioned: "Libyan coast guards blocked the rubber dinghy 14 hours after departure [...] They took us to a prison. There were 56 of us in a room with the lights always on. They only gave us food twice in a week. They closed me in a room, stole the few things of value I had, slapped me and hit me with a plastic tube."⁹¹. Expulsion makes migrant children precisely an easier target for smugglers, traffickers, and criminal groups. When expelled, regardless of their very young age and the danger they could face, the DCIM leave these migrants to face a very long and hard journey. This journey comes with lack of access to a lot of services, including access to needed food and water, and put the migrants at risk of abduction. it also leads to trauma and psychological

90 "Libya: Country Profile". Migrants & Refugees. <https://migrants-refugees.va/country-profile/libya/>

91 "Migrants Taken Back To Libya Reported Missing". 2021. Oxfam <https://www.infomigrants.net/en/post/38247/20000-migrants-taken-back-to-libya-reported-missing-in-2021-oxfam>

harm as these human right violations include, and are not limited to, sexual exploitation, Gender based violence, Beatings, Tortures, and some could even face prosecution.

Although the groups mentioned above prefer having the migrants returned to Libya or kept there to facilitate their unlawful person, expulsion is always on the table. 7,500 migrants were reported expelled from Libya in 2019 and 2020 back to their countries, regardless of its situation and to the threats the migrant could face. With the rise of xenophobia towards migrant in 2020, many children and other migrants in very vulnerable situations were subject to forced expulsion. They were according to OHCHR “2,672 Egyptian nationals expelled at the Emsaid land border with Egypt, and 2,393 nationals of Chad, Mali, Nigeria, Niger and Somalia expelled from the city of al-Kufra in southeastern Libya, to the land borders with Chad and Sudan”⁹². According to UN Human Rights Spokesperson Rupert Colville: “Those expelled have often already survived a range of other serious human rights violations and abuses in Libya at the hands of both State and non-State actors, including arbitrary detention, enforced disappearance, trafficking, sexual violence, torture and ill-treatment”⁹³ The UN called the Libyan government to stop expulsion as the pandemic was starting, in order to protect the health of migrants, but no actions were taking by the government in that regard. This expulsion is arbitrary and violates the safety of migrant children, and is not at the best interest of the child.

Libya is one of the main departure points to the Central Mediterranean Route to Italy, which migrants seeking access to the EU risk their lives and use, hoping for a better life in Europe, especially Italy. While the years 2018 and 2019 witnessed a shift to the use of the Western Mediterranean route from Tunisia and Morocco to Spain, the increase of political and economic instability in Tunisia the use of the Central Mediterranean route to cross from Libya to Italy has increased in 2020 and 2021⁹⁴. Even though it’s illegal and it puts their life in grave danger, migrants of all ages disregard these threats hoping for a better future while the regular pathways to migration are missing or exclude some groups and nationalities. Between the first of January 2021 and the end of September 2021, 46,626 migrants arrived in Italy and Malta via the Central Mediterranean Route, 25,823 migrants were returned to Libya by the Libyan Coast Guard, and 1118 migrant died throughout the year off the coast of Libya during their journey to Europe by boat⁹⁵. Italy, devastated by the situation and not wanting to open its doors for more migrants reaching its territory irregularly, have reached in agreement with

⁹² “Unsafe and Undignified The forced expulsion of migrants from Libya”. 2021. OHCHR

https://www.ohchr.org/Documents/Issues/Migration/Unsafe_and_Undignified.pdf

⁹³ “UN raises alarm over ‘continuing’ expulsions of asylum seekers from Libya”. 2021. UN.

<https://news.un.org/en/story/2021/12/1107742>

⁹⁴ Horwood, C., & Frouws, B. (Eds.). (2021). Mixed Migration Review 2021. Highlights. Interviews. Essays. Data. Geneva: Mixed Migration Centre. Available at: <https://mixedmigration.org/resource/mixed-migration-review-2021/>

⁹⁵ “IOM LIBYA MIGRANT REPORT ROUND 38 July – September 2021”. 2021. IOM. Available at:

https://migration.iom.int/sites/default/files/public/reports/DTM_Libya_R38_Migrant_Report.pdf

Libya in 2017 with full support and funding by the European Union. The main purpose of this Memorandum of Understanding (MOU) is to “fight against illegal immigration” and to reinforce Libyan border security, specifically in its national waters and on its coastal borders. The EU has dedicated efforts and assets to support the Libyan coastguard. Meanwhile, since the signature of the MOU in 2017, Italy has allocated €32.6 million for this sole purpose and €10.5 allocated in 2021⁹⁶. In other words, this MOU is a defensive strategy by the EU to push back migrants and not host them. In 2020, a similar MOU was signed in Malta, agreeing to have two coordination centers one in Tripoli and the other in Valletta, while calling the EU member states and commission to increase the funding of activities that combat ‘illegal’ migration. While Libya is not doing a good job managing migration on its territory, the Libyan coastguard has been very active in the past period, pushing smuggled migrants’ boats back to Libya, and away from the EU in general, and Italy particularly. By October 2020, 917 children (283 girls, 634 boys) were intercepted at sea and returned to Libya, and most of them were subject to arbitrary detention there⁹⁷. During the last week of April 2021, 125 children, including 114 unaccompanied children, were rescued off the coast of Libya⁹⁸. The central Mediterranean route was very busy during 2021, with recorded pushbacks of around 31,565 individuals of all ages, while this number was a bit more than its half in 2020⁹⁹. These pushback incidents throw the migrant back in a very dangerous environment, where criminal groups, smugglers, and traffickers are the biggest beneficiary as these migrants are put back in detention centers where they are beaten, tortured, and exploited. According to the Clingendael Institute, there is more benefit to these criminal groups in detaining migrants, especially migrant children, than send them to Europe as the detainees are “beaten, tortured, and starved to get funds from their families and friends. They are subject to forced labor and forced prostitution, many are enslaved and sold, often from detention centers”¹⁰⁰. Boats carrying migrants from Libya to Europe lack minimum safety standards and are usually overcrowded. Most of the European countries on the Mediterranean are turning a blind eye when migrants are stranded at sea and in danger, violating international treaties and disregarding human rights for the sake of not hosting more refugees. The EU has established in 2015 ‘Operation Sophia’ to stop smuggling activities and help boats in distress. This operation was followed by another under the name of Irini in 2020. Unfortunately, operation

⁹⁶ “Press Release: COVID-19 Integrated Education Response in Libya”. UNICEF. Available at:

https://reliefweb.int/sites/reliefweb.int/files/resources/PRESS%20RELEASE%20-%20ECW_final%20cleared.pdf

⁹⁷ “UNICEF Libya Flash Update 2 : Migrant Raids And Detention, 13 October 2021”. 2021. UNICEF Libya Flash Update.

UNICEF. <https://reliefweb.int/report/libya/unicef-libya-flash-update-2-migrant-raids-and-detention-13-october-2021#:~:text=More%20than%201%2C000%20migrant%20and,migrants%20intercepted%20in%20entire%202020>

⁹⁸ “IOM LIBYA MIGRANT REPORT ROUND 38 July – September 2021”. 2021. IOM. Available at:

https://migration.iom.int/sites/default/files/public/reports/DTM_Libya_R38_Migrant_Report.pdf

⁹⁹ “Migrant Deaths on Maritime Routes to Europe in 2021”. 2021. IOM. Available at:

<https://reliefweb.int/report/world/migrant-deaths-maritime-routes-europe-2021>

¹⁰⁰ Ibid

Irini was set up with no explicit ‘humanitarian mandate’ to save the lives of migrants in distress at sea. Irini did not serve its purpose in its first year, with zero recorded rescues, while Sophia was able to save a total of 44,916 individuals (including children)¹⁰¹. Although there are some rescue missions, but the critical situations involving self-centered states have paralyzed many rescue missions, while boats that pass by migrants at sea in need of help are afraid to help them. As mentioned by IOM: “EU member states have actively undermined civilian rescue operations by restricting—or even criminalizing—NGOs and impounding their vessels on a variety of pretexts”, especially as during the first half of 2021 only one rescue boat was active with very restricted efforts¹⁰². Timely support from both national coastguards and activist boats are hardly provided, increasing the risk of migrants dying at sea while attempting to cross. While the 1982 United Nations Convention of the Law of the Sea Article 98(1) states that ships have a clear duty to assist those in distress¹⁰³, the above stated status quo has imposed many limitations and incident such as the one that happened on April 22nd of 2021 resulting in the death of 130 people on board of a migrant vessel capsized off the Libyan coast. When the boat faced trouble, the people on board did contact the civilian run emergency hotline but no rescue missions were sent. Even after the death of all on board, the locating some of the bodies was done by a non-governmental rescue ship called Ocean Viking. The Ocean Viking has been very helpful in filling the gap made by governments. On February 12, 2022 the Ocean Viking, run by ‘SOS Méditerranée’, was able to rescue 228 migrants from the Mediterranean, including 51 minors, 49 of them being unaccompanied¹⁰⁴. They were also able to rescue in the Maltese Search and Rescue zone, within the same time frame, 93 people in an overcrowded wooden boat, also picking up 88 people, including a baby, from a boat in distress in the Libyan SAR zone¹⁰⁵. ‘SOS Méditerranée’ tweeted on the 14th of February 2022 the following: “This weekend, the #OceanViking performed 4 rescues in less than 24h. 228 survivors are onboard, incl. 1 baby & 49 unaccompanied minors. Our [SOS Méditerranée] & [the International Federation of the Red Cross] teams took care of cases of mild hypothermia, fuel inhalation & fuel burns. Some people show signs of torture”¹⁰⁶. While non-governmental actors are taking necessary actions that are supposed to be taken by coastguards of the countries in the region, violence by the Libyan coastguard has been reported in attempts to

¹⁰¹ Horwood, C., & Frouws, B. (Eds.). (2021). Mixed Migration Review 2021. Highlights. Interviews. Essays. Data. Geneva: Mixed Migration Centre. Available at: <https://mixedmigration.org/resource/mixed-migration-review-2021/>

¹⁰² IOM (2021) Migrant Deaths on Maritime Routes to Europe in 2021.

https://reliefweb.int/sites/reliefweb.int/files/resources/Mediterranean_deaths_Jan-Jun_2021.pdf

¹⁰³ Article 98 (1) states that “every State shall require the master of a ship flying its flag, in so far as he can do so without serious damage to the ship, the crew, or the passengers... render assistance to any person found at sea in danger of being lost [and] to proceed with all possible speed to the rescue of persons in distress, if informed of the need of assistance, in so far as such action may reasonably be expected of him”.

¹⁰⁴ “Ocean Viking rescues 228 migrants, many of them children”. 2022. InfoMigrants. Available at <https://www.infomigrants.net/en/post/38517/ocean-viking-rescues-228-migrants-many-of-them-children>

¹⁰⁵ Ibid

¹⁰⁶ Available at: https://twitter.com/SOSMedIntl/status/1493168365103460357?ref_src=twsrc%5Etfw

pushback boats heading towards Italy. The NGO 'Sea-Watch' took a video in June 2021 showing the Libyan coastguard firing on and crashing several times a migrant Vessel in Maltese waters, while there are other reports of similar actions by the Libyan coastguard leading to cases of drowning of migrants sometimes¹⁰⁷.

In conclusion, migrant children are victims to lack of proper migration management and to lack of respect of international treaties and conventions. While other issues are faced by migrant children in Libya, such as proper access to education, the issues stated above are very critical and need to be addressed urgently. National authorities have shown failure to respond promptly to migrants distressed at sea in fear of hosting them on their territories. It is not acceptable to have governments prioritize their own interest while life threatening situations are occurring. The United Nations Convention on the Rights of the Child establishes rights for every child in a country's jurisdiction without discrimination, so that all children in the country are the subjects of rights, the GCM upholds the principle of the best interest of the child at all time. In addition, when migrants are stranded at sea, the 1982 United Nations Convention of the Law of the Sea states under Article 98(2) that "Every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements cooperate with neighboring States for this purpose". Also, the International Convention on Maritime Search and Rescue clearly call for: "enhanced cooperation between states, in respect of (i) assistance to the master in delivering persons rescued at sea to a place of safety, and (ii) rescue coordination centers initiating the process of identifying the most appropriate places for disembarking persons found in distress at sea"¹⁰⁸. Once claiming to be asylum seekers, refugees, or to be fleeing persecution and ill-treatment, the international refugee law call for the obligation to provide them with support¹⁰⁹. Finally, the 1951 Refugee Convention prohibits refugees and asylum seekers from being expelled or returned in any manner whatsoever "to the frontiers of territories where [their] life of freedom would be threatened on account of [their] race, religion, nationality, membership of a particular social group or political opinion", therefore any similar act is unacceptable and has to be addressed¹¹⁰. The international community has to prioritize the safety of people in distress, and provide the needed help to remove them from danger.

¹⁰⁷ Amnesty International (2021) 'No One Will Look for You': Forcibly Returned from Sea to Abusive Detention in Libya. <https://www.amnesty.org/en/latest/news/2021/07/libya-horrific-violations-in-detention-highlight-europes-shameful-role-in-forced-returns/>

¹⁰⁸ International Convention on Maritime Search and Rescue (SAR). Available at [https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-\(SAR\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-(SAR).aspx)

¹⁰⁹ International Convention on Maritime Search and Rescue (SAR). Available at: <https://www.unhcr.org/en-us/3b66c2aa10>

¹¹⁰ Ibid

The Case of Lebanon

Located at the heart of the Middle East, Lebanon is a small country on the Mediterranean. Lebanon's population was estimated to be around 5,261,372 people in July 2021. Lebanon's net migration rate¹¹¹ in 2021 was estimated to be -0.95¹¹². Since the Lebanese Civil war of 1975, the country has been going through constant unrest and instability. This war was a major setback, in times where the country was heading towards major improvements. The war ended in 1990, leaving Lebanon divided between sects and under major influence and control by the Syrian government. The unrest was continuous, and a series of assassinations took place following it. It wasn't until the assassination of Prime Minister Rafic Al Hariri in the year 2005 that people started to demand the expulsion of the Syrian troops from Lebanon. Following that, a war erupted in 2006 between Lebanon and Israel. The war ended leaving significant damage in the infrastructure and many dead and injured. Then, major political unrest hit the region accompanied with the rise of terrorist groups, feeding in the continuous unrest in the region. The 2011 Syrian revolution pushed millions of Syrian refugees towards Lebanon. Lebanon did not have the capacity to host such great numbers, so the presence of Syrian refugees and the Syrian crisis itself took a toll on the economy and security in the country. Divisions, instability, and the corruption of the government were increasing by the time and highly affected by the Syrian crisis. The year 2019 witnessed mobilization and protests, that are still ongoing until the day of writing this report at a slower pace, with the people of Lebanon calling out the corruption of the government and demanding change. Then, on the 4th of August 2020, the capital Beirut witnessed a major blast in its port. The blast left 218 deaths, more than 7000 injured, and more than \$15 billion in property damage. While who caused the blast remained undetermined, people suspected different groups and believed they were protected by the corrupt government. Instability and protests went on, and the country kept sinking in corruption and economic instability. The Covid19 pandemic worsened the situation, magnifying the economic crisis during which the USD exchange rates became very unstable and witnessed a huge rise, putting the economy in inflation. Most of those living on Lebanese territories were highly affected by what's happening in the country, and many people became subject to extreme poverty and lack of access to services. While it is host to the biggest number of refugees per capita, Lebanon is currently not a major attraction for migrants. The bad economy, lack of security, and instability in the region, along with many other problems, have been pushing migrant workers to look elsewhere for job

¹¹¹ Net migration rate compares the difference between the number of persons entering and leaving a country during the year per 1,000 persons (based on midyear population).

¹¹² "Lebanon". The World Factbook. Available at: <https://www.cia.gov/the-world-factbook/field/net-migration-rate/country-comparison/>

opportunities, as most of the migrants in the country are migrant workers with no permanent residency status. Numbers of work Visa requests reflect this reality; while Lebanon received 57957 Work Visa requests in 2019, this number drastically decreased in 2020 to 9780 requests, an 83% decrease¹¹³. A significant number of migrant workers are females who work as domestic workers, while most of the male migrant workers work at gas stations and at jobs requiring hard labor, yet offering low income. A significant number of migrants in Lebanon are married to Lebanese citizens. Although they can help get a 'Courtesy Residence', Lebanese women cannot give the Lebanese nationality neither to their husband nor to their children, therefore the children hold their father's nationality and are not given a Lebanese citizenship; they are considered migrants. The General security regulations does not allow migrant domestic workers to have children in Lebanon, and they could risk deportation if that happens. Migrant domestic workers are not allowed to establish a family in Lebanon, and if they have children in the country, their residency permit might not get renewed, hence will be forced to leave the country or stay without legal documentation. This means that children of migrant domestic workers in Lebanon are mostly undocumented or without proper legal documentation. Due to the undocumented status of the majority of them, there is no data on the actual number of migrant children in Lebanon. If married and already has a family, the migrant worker wishing to reunite with his/her family in Lebanon is to apply for a visa request for that. Some migrant workers, especially Egyptians, came to Lebanon with their families after being sponsored by a Lebanese employer.

The case of migrant domestic workers in Lebanon is very special, as they are subject to the abusive sponsorship system known as the "KAFALA" System. The article 7 of the Lebanese labor law specifically excludes migrant domestic workers from the scope of this law, denying them all protection that comes with it. Their situation and destiny are controlled by the Kafala system and their sponsor. Adding to the often very harsh living conditions, migrant domestic workers, under this system, are denied the right to have children in Lebanon. According to the terms of the Unified Contract signed by MDWs, they are not allowed to marry, become pregnant or have children while in Lebanon. However, there is an important number of migrant women with children who often have unclear legal status. The vast majority of MDW with children in Lebanon have irregular migrant status, which may result in pre-dating their pregnancy, or in some cases, have been propelled by it. Therefore, if in a relationship or married to a non-Lebanese man in Lebanon, MDWs are forced into irregular status and tough single motherhood.

¹¹³ "العمالة الأجنبية تراجع حساباتها "لبنان لم يعد أرضاً جاذبة" 2021. The Independent. Available at <https://www.independentarabia.com/node/199341/>

The probability of being a single migrant mother depends to a great extent on the nationality, marital and migrant status of the men with whom the women have relationships. Four scenarios are usually in line:

1) Marrying Lebanese men:

This applies to a minority of migrants who become Lebanese citizens and are consequently the most secure. Their child registration can be done by the father. Therefore, the children claim Lebanese citizenship, and are treated as Lebanese citizens with their rights protected by the Lebanese law in respect to international treaties and full respect of the Convention of the Child. Yet, these children might be subject to discrimination or xenophobia if they take on the mother's race, as racism and xenophobia have been apparent in Lebanon, and have increased since the start of the pandemic.

2) Marrying a Sudanese/Syrian or men registered as refugees with the UNHCR:

This scenario is more common in Lebanon. Migrant women may marry and/or have children with men registered with UNHCR and claim a refugee status and are living and working in Lebanon. Migrant woman can therefore be added to her husband's file in UNHCR and becomes, with her children, eligible for eventual resettlement in a third country through the UNHCR. Their access to rights depends on the country's regulations, policies, and respect to the international treaties for Refugees. Migrant children in such cases could still be subject to xenophobia and discrimination, and access to services is not fully granted. Although the UNHCR provides support to them, through their parents, but services that are not supported by UNHCR are hard to access due to their cost, or surpassing the quota designated for non-Lebanese residents. Access to school and education is hard in such cases, especially due to the inability of the parents to fully support their families, in time where unemployment rates are very high and living costs are unbearable.

3) Settling as freelancers:

Some migrant workers work on a deal with a sponsor that agree to sponsor the MW as his employee for a certain amount of money or in exchange of cleaning his/ her house regularly. In other words, the migrant worker "buys" her sponsorship and works as a freelancer instead. If married to a non-Lebanese, this secures her in one way or another helping her keep her children but the high risk of keeping them undocumented remains.

4) in the case of migrant workers who have entered relationships with non-Lebanese man, documented or not, and are not married to them, migrant children are mostly undocumented especially when the father refuses to acknowledge the child. Some governments and therefore, some embassies, such as the Ethiopian embassy, require

documentation of paternity to register the child as Ethiopian, and requires the permission of the father in order to allow the child to travel out of Lebanon on laissez passer papers. This creates a heavy burden for women to register their children or even to send them back home, often leaving the fate of their children unknown.

When undocumented, migrant children are stripped away from all of their rights, and are mostly living hidden from authorities in a dangerous location or environment. Therefore, these children have no access to health services, education, safety, and all types of other services. Their survival depends on their parent. When accessing The Lebanese Directorate of General Security in website seeking visa requirements, the website does not include migrant children as eligible candidates for Visa in Lebanon; only children of non-Lebanese parents with ongoing studies and are under 18 are accepted¹¹⁴.

Reflecting their harsh reality, a Lebanese movie called 'Capernaum' includes the journey of a migrant worker who has an undocumented child without marriage. While sharing utter truth, the movie shows the extreme living conditions migrants, and especially undocumented migrant children live in. no access to electricity, clean water, safe environment, safe place to say at, education, and all other basic human needs. Undocumented migrant children are subject to trafficking. Traffickers manipulate the undocumented status of migrant children and use them to gain money. In an interview with a migrant worker, she shared that she knows a friend who was offered money by a trafficker to take her baby and sell him to a rich family, a similar incident was also shared by the above stated movie. The interviewee shared that she knows migrant women who are manipulated by their neighbors who threaten to tell the police about the kid if the migrant women does not comply to their demands.

While afraid of addressing a government's institution, migrants seek non-governmental organizations' support to register their children, settle disputes involving their children, or even be provided by needed essential services. Insan Association, for example, provides a safe house for unaccompanied migrant children and Women migrants with their kids seeking safety.

The laws and practices in Lebanon are harsh towards migrants, and do not respect their human right of establishing a family and having kids. Migrant children lack access to rights and suffer from discrimination and xenophobia. They are subject to trafficking and are unprotected by the law. While some migrant children are registered by their parents, their mother or parents (if both non-Lebanese) are expected to leave the country, or the kid is separated from his/her mom. The laws are arbitrary in such cases, and need adjustment.

¹¹⁴ "Courtesy Stay". The Lebanese Directorate of General Security. Available at: <https://www.general-security.gov.lb/ar/posts/6>