

# Studies and Researches

---

## Migration of Unaccompanied Children From A Human Rights Perspective

Dr. Ghada Helmi  
The Editor Manager

### Introduction

The issue of children migration has become a source of international concern and fear. In recent decades, given the rapid changes in migration patterns, children migration has become the key topic of many academic studies and international forums. It has also attracted the attention of many governmental institutions and civil society organizations and has become the subject of many bilateral and collective agreements.

#### 1. Definition of the child in Egyptian law:

Article 2 of Law No. 12 of 1996 on the promulgation of the Child Law and amended by Law No. 126 of 2008 stipulates that the child in the field of care, as provided for in this law, indicates anyone who has not yet attained the age of 18. The age is established by birth certificate, national ID card or other official document. Therefore, the Egyptian legislator made childhood begins with birth and ends by the age of 18.

**2. Definition of smuggling of migrants in Egyptian Law No. 82 of 2016 on the Law against Illegal Immigration and Smuggling of Migrants:** Article I of the first chapter defines the smuggling of migrants as "the acts of the illegal movement of a person or persons from one country to another for the purpose of obtaining a direct or indirect physical or moral benefit, or for any other purpose". The smuggled migrant was defined as: "Any person who is the object of criminalized conduct as stipulated in Articles 6, 7, 8 and 51 of this Law". The illegal crossing of border is defined as: "Crossing the border without complying with the requirements for legitimate entry into the receiving State". The forged passport or identity is also defined as "the document that is completely forged or its data distorted, or issued or obtained by fraud, corruption, coercion, deception or any other illegal method".

#### 3. Risks confronted by unaccompanied children or those who are separated from their families

Risks of illegal migration is the same for both adults and children; however, the negative impact on children is often more severe because they are more vulnerable to exploitation and abuse. Families that enforce their children to migrate waste their future because only few migrant children survive the hands of exploiters and human traffickers. Besides, it is contradicted with the role assigned to the family that is to provide protection and care for their children. Number of migrant children and adolescents, both within and outside their



country of origin, is increasing in search of better standards of living, education and family union.

#### **4. Egyptian efforts to combat the illegal migration of unaccompanied children**

Egypt was and still a destination for migrants, but with the economic pressures and the high population growth, coupled with the oil boom in the Gulf States and the increasing opportunities in Europe, Egypt has become a receiving and exporting country for migrants seeking a better standard of living. Egyptians began to migrate to the Gulf States and Europe. In the early 21st century, the issue of illegal migration has emerged as a major issue in the light of European migration policies. On the other hand, the phenomenon of illegal migration of unaccompanied children is an alien phenomenon to the Egyptian state. Statistics released by the Italian Ministry of the Interior revealed that number of migrants has reached 1324 from January to July 2013, among them 208 women, 352 children and 218 unaccompanied children. This number has almost doubled in August 2013 to 2142 migrants, 709 of them were children.

Egypt is among the first countries in getting alerted to the dangers of illegal migration. It has given great attention to the confrontation of this phenomenon by addressing the challenges and responding to them. In 2014, the Egyptian Prime Minister issued decree No. 380 on the formation of the National Coordinating Committee to Combat and Prevent Illegal Migration, which is considered a positive step that contributes to promote the intensive efforts of the Egyptian government to fulfill its international obligations in the fight against organized crossing-border crimes and to overcome the risks of illegal migration. Moreover, the establishment of the Committee is considered a value added to Egypt's achievements in the field of protection and promotion of human rights.

Generally, the issue of migration occupies a significant position on the national agenda, as Egypt has always sought to reinforce the approach of dealing with this issue in line with local, regional and international developments. Furthermore, the establishment of the Ministry of Immigration and Egyptians Abroad is an affirmation of Egypt's belief that Egyptian migrants are an integral part of the fabric of the Egyptian society. They deserve the attention and care of the executive body. In the meantime, legal migration is one of the human rights that shall be studied and supported by the executive body. On the other hand, Egyptians are one of the groups targeted by smugglers in the Middle East and other areas as well.

Egypt receives about five million refugees and migrants from many countries in the Horn of Africa and the Nile Basin, as well as from Iraq, Libya, Yemen and Syria on the backdrop of the recent crises in those region.

Therefore, the Egyptian State seeks to address the issue of illegal migration, particularly the migration of unaccompanied adolescents, in order to address the phenomenon within the framework of a national strategy that attempts to search for its causes and provide solutions in accordance with the requirements of international covenants and treaties.