

Children Illegal Immigration: Social Dimensions And International Concerns

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Abstract:

The phenomenon of illegal or clandestine immigration is one of the serious issues affecting both sides of the Mediterranean. It has gained significant public attention due to its sensitive nature, the human toll it takes, and the social tragedies it leaves in its wake. This phenomenon has evolved into a pressing issue, no longer limited to young adults but increasingly involving children, who are now officially referred to as unaccompanied minors. At the beginning, this form of child immigration did not attract much attention, primarily because it was less frequent compared to adult immigration and did not result in significant casualties among children at the time. However, as the numbers grew and the risks for unaccompanied minors became apparent, the issue gained visibility, highlighting the vulnerabilities and dangers faced by these children, often driven by poverty, conflict, or the hope for a better future. The issue of child immigration has become a source of international concern and anxiety. In recent decades, due to rapid changes in immigration patterns, it has gained significant importance both governmentally and academically, becoming the subject of numerous bilateral and multilateral agreements. One of the regions that have been suffering increasingly from this phenomenon, especially in the recent years, is the Mediterranean Sea, witnessing alarming numbers of child illegal immigration.

Keywords: *Illegal immigration, immigration of unaccompanied children, Child exploitation and abuse, security concerns.*

Introduction:

Since the early 1990s, irregular immigration has increasingly become an organized operation overseen by various networks and organizations that exploit legal loopholes and minimize risks to circumvent the law. This phenomenon is driven by multiple factors, including economic, political, and social motivations. It often stems from individuals' aspirations for better job opportunities or improved living conditions.

According to Britannica Encyclopedia: "immigration is the process through which individuals become permanent residents or citizens of another country." (CRC/GC, 2005). while illegal Immigration is defined as: "The migration of people into a country, in violation of that country's immigration laws, or the continuous residence in a country without the legal right to do so". (Taylor, 2007)

It is worth noting that there is an etymological ambiguity and overlap among a set of similar concepts concerning Immigration:

Emigration: refers to leaving one's country or region of origin to live somewhere else permanently.

Migration: refers to the movement of individuals from one place to another (whether it is within one country, or in another one). The term migrant is not defined in international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border (IOM, 2023).

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Immigration: refers to entering and settling permanently in a new country.

Illegal immigration in general, and children illegal immigration in particular represents one of the most pressing societal challenges, affecting all segments of the global community. Its impact is no longer limited to young adults; it increasingly involves children, particularly unaccompanied minors who leave their countries without their families. This situation poses serious threats to their safety and well-being, exposing them to numerous forms of abuse and exploitation and endangering their fundamental rights and security.

This growing crisis underscores the need for comprehensive international collaboration to address its root causes and protect vulnerable populations, especially children, from harm and abuse.

As It is mentioned above, the term illegal - sometimes referred to as clandestine- immigrant refers to the act of a citizen fleeing his country of origin through means that are not permitted by the immigration laws of the destination country. Each country, based on its right to sovereignty, enacts regulations that govern the movement of people into and out of its territory. These regulations are necessary to maintain the state's integrity and security. Countries are entitled to control migration across their borders to ensure the preservation of their national identity, safety, and stability.

In North African societies, the term (al-Harga) refers to illegal immigration, particularly to European countries. This word, derived from the North African word Harga that means "burning". is used to describe migrants who leave their home countries clandestinely, bypassing legal procedures such as passport control and visa requirements. The term implies a deliberate attempt to avoid detection by authorities, often to prevent deportation. (Hamouche & Hocine, 2005)

In a broader social context, the term (Harga) is also used metaphorically to denote any form of illegal activity or behavior that disregards laws and regulations. For example, someone who disregards traffic signals or overstays their visa may be referred to as a (harrag), extending the meaning of "illegality" or "disregard for the law."

This concept of clandestine migration, or "Harga," is prevalent in many North African countries (Algeria, Morocco, and Tunisia) reflecting a widespread issue related to illegal immigration patterns, especially to Europe.

Understanding children's immigration: Definitions and Types.

The immigrant child is classified into two categories:

- a- **Unaccompanied minors abroad:** These are children who leave their home country illegally and are found in receiving countries without being accompanied by their parents or legal guardians. (Al-Arabi, 2010)
- b- **Children residing legally abroad:** This category includes two groups:
 - o Children who join their families through family reunification programs.
 - o Children born abroad. These children enjoy the same rights as the citizens of the country they reside in. This group includes children of a given country's expatriates living legally abroad. However, some of these children may end up homeless in the streets due to circumstances such as parental separation in mixed marriages, legal disputes regarding marital relationships, conflicts with parents, or academic failure. (Helmi, 2018)

These classifications highlight the different legal and social situations immigrant children face, both within their home countries and in their countries of residence. The issues surrounding unaccompanied minors and children in legal immigration statuses are crucial for understanding the vulnerabilities and challenges these children encounter in their migration journey.

Unaccompanied immigrant children discussed in this study, are minors who have not yet reached the legal age of adulthood (From 9 to 19 years old) and are separated from both parents or from the person who was responsible for their primary care, whether legally or

traditionally. However, they are not necessarily separated from other relatives. This category includes children who may be accompanied by an adult family member.

Categories of Unaccompanied Immigrant Children:

1. Children who started the illegal immigration process unaccompanied and reaches the receiving countries with no caregivers.
2. **Children separated from their families or caretakers during immigration:** These are children who were originally traveling accompanied. However, they became separated from their caregivers during the immigration process.
3. **Children who started their journey unaccompanied but later joined a group:** Some children may begin their immigration journey alone, but later travel with a group of people.
4. **Children who halted their immigration due to lack of resources:** These children may have been forced to stop their journey because they lacked the financial or logistical means to continue.

Additional Categories :

- **Asylum Seekers:** Teenagers who seek refuge in another country, requesting to be recognized as refugees. If their application is denied, they may be required to leave the country and may be deported, unless granted humanitarian permission to stay.
- **Exploited Children:** These are children who fall victim to human trafficking networks or illegal immigration rings.
- **Runaway Children:** These are children who flee their homes due to abuse or violence they experience within their families.

Causes of Illegal Immigration for Children

There are several factors that have contributed to the exacerbation of the phenomenon of illegal immigration among children:

Economic factors: are one of the primary reasons driving children to illegal immigration. Numerous studies have confirmed that the desire for better living conditions and access to improved work opportunities play significant roles in motivating children to migrate illegally. For many children, especially those from impoverished regions, the dream of a better life abroad (Jacqueline.B, 2021) ³.

Social factors: also play a significant role in driving children toward irregular migration. Key factors such as lack of care and attention, abuse, and family problems, including domestic violence and child neglect, contribute to the decision of many children to leave their homes. These conditions often create an environment where children feel unsafe, unsupported, and desperate for a change, leading them to consider migration as a potential escape. deteriorating

economic conditions and lack of peace, stability, and good governance are the main factors that cause the migration of individuals from many developing countries. Tessema's and N'goma's points particularly relate to the socio-economic and political development of African states. The majority of the countries are rich in resources. (Mlambo, 2019)

Familial factors: often play a major role in driving children toward irregular migration. Poor family conditions, such as inability to meet basic needs, force children to seek better opportunities elsewhere. Specifically, children may be motivated by economic pressures to provide for family necessities or pursue better living conditions.

The need for **financial resources** for things like marriage or housing, especially for children aged 16 or 17, may push them to leave. Additionally, **family instability**, including **neglect, violence, or conflict**, can make children feel unsafe at home, leading them to flee in search of security.

Cultural factors: play a significant role in motivating children to migrate irregularly. In many regions, a culture of illegal migration has developed, particularly in urban areas, where migration is seen as an adventure to explore a new way of life, especially after the spread of the social media platforms, which made it easier for children to learn about life in other countries (particularly European ones) that highlights attractive and alluring aspects of luxury and prosperity (El-Baghdadi.N, 2016). This culture can create a **behavioral contagion** where immigration becomes normalized and even seen as a necessary step for achieving a better life. Children may be influenced by their peers or older youth who have already attempted or successfully immigrated. This social pressure reinforces the idea that migration is the only viable option for improving their circumstances.

The **idea of immigration as a rite of passage:** or a way to gain status within a community further strengthens this cultural pull. It also becomes a way for children to seek a form of independence.

Risk Factors and Vulnerabilities:

The issue of child trafficking and their sexual exploitation has become a widespread industry, particularly in countries heavily reliant on tourism. Due to the unethical and inhumane nature of this trade, international organizations have raised their voices, demanding its prohibition. In response, the Optional Protocol to the Convention on the Rights of the Child (UN\HR, 2000) was adopted to address the sale of children, child prostitution, and child pornography, aiming to combat these violations and protect children's rights globally.

Fortunately, by the beginning of the new millennium, there have been subsequent developments in international law aiming at protecting children from all kinds of abuse and exploitations. At the global level, the 1989 Convention on the Rights of the Child (CRC) was widely ratified within a relatively short period, and in 2000 gave rise to two Optional Protocols addressing, respectively, the involvement of children in armed conflict and the sale of children, child prostitution, and child pornography. At the regional level, the 1990 African Charter on the Rights and Welfare of the Child came into effect. Other international treaty regimes with a potentially dramatic protective impact in respect of children have continued to arise since then – an important area of progress in Europe being human trafficking and associated exploitation, with two important treaties, the 2005 (Jacqueline.B, 2021) Convention on Action against Trafficking in Human Beings and the 2007 Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, entering into force by the end of 2010. In the United Kingdom (UK), it is clear that an increased range of protections has produced concrete protections for migrant children. Article 3 of the CRC, with its duty to treat the best interests of the child as ‘a primary consideration’, and the implementation of the CRC in domestic law by section 55 of the Borders Citizenship and Immigration Act 2009, has been held by the Court of Appeal in England and Wales to impose a substantial duty to consider the best interests of any child affected by an immigration or asylum decision (Al-Arabi, 2010)

This protocol establishes the criminalization of:

- **The sale of children**, addressing trafficking and illegal adoption.
- **The exploitation of children in prostitution**, targeting the abuse of minors in sex industries.

- **The exploitation of children in pornography**, prohibiting their involvement in producing or distributing illicit materials.

These provisions are vital in combating the risks faced by unaccompanied children involved in illegal immigration, who are particularly vulnerable to such forms of exploitation and abuse. In addition to the risks associated with exploitation, unaccompanied immigrant children face dangers in their travel routes. In North African countries, many rely on unsafe boats to cross the Mediterranean, resulting in tragic loss of lives. According to a report from the International Organization for Migration, 441 migrants died (IMO, 2023) along the maritime route between North Africa and southern Europe in the first three months of 2023. Since 2014, over 20,000 fatalities have been recorded.

Detention in accommodation centers:

In his 2015 report to the UN Human Rights (Jacqueline.B, 2021) Council, François Crépeau, the Special Rapporteur on the protection of immigrant's rights, highlighted that many illegal immigrants and asylum seekers face detention upon reaching the European Union. These immigrants often endure long, dangerous, and arduous journeys. Many countries resort to detention while waiting for migrant's deportation, particularly when their asylum claims are denied. This practice has raised concerns regarding the protection of migrant rights.

According to the Special Rapporteur, "some cases of immigrant detention in EU member states conflict with international human rights law, as the detention is considered unreasonable, unnecessary, or disproportionate under local law. Moreover, such detention is not determined on a case-by-case basis." This highlights concerns about the legality and fairness of migrant detention practices in certain EU countries (Jacqueline.B, 2021).

In its 2005 report, the Committee on the Rights of the Child stated that, as a general rule, unaccompanied children should not be detained, and their detention should not be justified solely based on their immigration or residency status. The report stressed that detaining children for immigration reasons does not serve their best interests. The committee emphasized family unity and child freedom, recommending alternatives to detaining minors and families with children, and affirmed that, if detention is necessary for other reasons, it should be brief and a last resort. (CRC\GC, 2005)

Impact of International Agreements on Child Illegal Immigration Trends

The phenomenon of illegal child immigration continues to rise, with over 29,000 refugees and immigrant children arriving in Europe in 2017. Of these, approximately **58% (14,800)** were unaccompanied minors, arriving between January and September. Key arrival statistics include:

- **Greece:** 7,257 children arrived on Greek islands during this period, with **838 unaccompanied minors**.
- **Bulgaria:** 552 children arrived, including **154 unaccompanied minors**.
- **Spain:** 2,430 children were recorded entering via land and sea routes.
- **Italy:** Italy documented the highest number of unaccompanied minors, with **13,867 of 15,140 children** arriving unaccompanied (approximately 92%).

Countries of Origin

Unaccompanied children arriving in Italy predominantly came from African nations, with Guinea leading at 1,795 children, followed by Ivory Coast (1,474), Gambia (1,376), and Bangladesh (1,302). Other notable countries include Nigeria, Senegal, Eritrea, and Somalia. From Asia, most accompanied minors arriving in Italy, Spain, Bulgaria, and Greece originated from Syria, Iraq, and Afghanistan. Across all destination countries, boys outnumbered girls. In Italy, Greece, and Bulgaria, the majority of unaccompanied children

were aged 15–17 years. Among the 6,837 children arriving with families in Greece and Bulgaria, 34% were under 4 years old, 47% were aged 5–14 years, and 20% were aged 15–17 years. Data from Italy on accompanied children was limited, showing only a small proportion (8%) arriving via Mediterranean routes. (IMO, 2017)

The impact of international agreements on the rise of child illegal immigration is multifaceted. While these agreements aim to protect children, they also indirectly affect migration patterns. On one hand, they promote safeguards for children, but on the other hand, the lack of effective enforcement or loopholes in certain regions can lead to continued risks and exploitation of migrant children. These agreements strive to address the causes in order to better promote adequate condition for unaccompanied immigrant children.

The significant rise in the number of illegal child immigrants can also be attributed to a less-discussed form of exploitation. Beyond common forms such as human trafficking or forced prostitution, there is a strategic exploitation of international laws and agreements designed to protect children. This exploitation enables illegal immigrants to secure legal stability after immigration. These protections may include the opportunity for document regularization, access to training centers, and eventual integration into the host society.

For instance, many international child protection frameworks, such as the United Nations Convention on the Rights of the Child, emphasize the child's best interests, prohibiting their detention solely on the basis of immigration status and ensuring access to education and welfare services. In this context, unaccompanied minors often gain favorable legal statuses compared to adult immigrants, making their migration a potential pathway for longer-term stability.

However, this dynamic has encouraged some families and networks to exploit these protections by sending minors to host countries as a strategic first step, hoping that once the child secures residency, family reunification or other legal pathways can follow. This phenomenon reflects how protective laws, while crucial for safeguarding vulnerable children, may inadvertently incentivize risky immigration practices.

Sub-Mediterranean studies about the phenomenon:

Since the Child illegal immigration problem is a key concern affecting both origin countries and receiving ones. And since the North African region is one of the important pathways of illegal immigration, we will discuss the Sub-Mediterranean academic preoccupation targeting this phenomenon.

a- The Irregular Migration of Children to Europe from Algeria:

The study conducted by researcher (BENLAKHDAR.M, 2017) titled *The Irregular Migration of Children to Europe: A Study in Light of International Agreements and National Legislation* (University of Oran), examines the phenomenon of irregular migration among Algerian children to Europe. The study adopts a legal perspective but acknowledges the multidimensional nature of the issue, which can be approached sociologically, economically, politically, and psychologically.

Key Findings and Recommendations:

Part 1: Measures for Source Countries (e.g., Algeria)

1. **Focus on Education:** Many child migrants are school dropouts, emphasizing the importance of strengthening the educational system.
2. **Care for Homeless Children:** Adequate programs for street children are necessary to prevent their involvement in dangerous migration journeys.
3. **Strengthening Families:** The state should support families economically and socially to fulfill their role in raising and protecting children.

4. **Engaging Civil Society:** NGOs should raise awareness about the risks of migration and address its causes through community initiatives.
5. **Establishing Reception Centers:** Returnee children need specialized care centers, staffed with psychologists, to reintegrate them into society.

Part 2: Policies of Receiving Countries

The study critiques how European destination countries, particularly **Spain** and **France**, handle irregular child migration. It highlights:

- **Deportation of Minors:** This often violates Spanish laws aligned with European and international child rights conventions.
- **European Commission Strategies:** These focus on unaccompanied minors but often disregard whether they are asylum seekers, irregular migrants, or victims of trafficking.
- **Contradictory European Approach:**
 - **Social Dimension:** Offers material, legal, and health care to migrant children.
 - **Security Dimension:** Links irregular migration to terrorism and organized crime, complicating genuine asylum and migration issues.

The researcher criticizes Europe for prioritizing border security over addressing root causes in North Africa, such as political, economic, and social instability.

This duality often leads to ineffective policies that fail to prevent migration or provide adequate protection for children.

The study provides a nuanced analysis, urging for comprehensive solutions that address both migration's symptoms and its root causes in cooperation with North African nations.

a- Unaccompanied Child Migration in Egypt:

This sociological study, titled *Illegal Migration of Unaccompanied Children in Egyptian Society* (El-Baghdadi, N, 2016), was conducted by the National Center for Social and Criminological Research in Egypt under the supervision of Nesreen El-Baghdadi. It aimed to analyze irregular migration among unaccompanied children, exploring the phenomenon's dimensions, causes, impacts, and children's experiences of migration. The ultimate goal was to provide comprehensive insights that could inform policymakers in addressing the issue effectively.

Study Details :

- **Sample Population:** The study targeted children aged 9 to 18 who had engaged in irregular migration, predominantly destined for Greece. Data were collected from various Egyptian governorates.
- **Findings:** The results were presented in two parts: demographic characteristics and causes of migration.

1. Demographic Characteristics of Child Immigrants

- The phenomenon primarily involved boys, as illegal immigration was found to be male-dominated.
- The majority of children belonged to the 16-17 age group.
- High rates of school dropout were identified among migrant children, acting as a significant driver for migration.

- Most fathers of these children were engaged in agricultural or manual labor, while the majority of mothers were unemployed.
- Socioeconomic analysis revealed that families of the sample group were largely middle-class, with some falling into low-income brackets.
- About one-third of the children were already working before attempting migration.

2. Causes of Illegal Immigration

The study's findings mirrored other research, emphasizing the following factors:

- **Economic Reasons:** Low living standards and limited financial resources compelled children to migrate.
- **Social and Family Factors:** Family dynamics, lack of supervision, and structural societal issues fostered migration.
- **Employment Challenges:** Deteriorating work opportunities and conditions encouraged children to seek better prospects abroad.
- **Cultural and Structural Motivators:** A prevailing culture of migration within communities and familial encouragement further fueled the trend.

This study highlights the interplay of economic hardship, family circumstances, and societal norms in driving irregular migration among children. By understanding these factors, stakeholders can design interventions tailored to the roots of the issue, from bolstering education to improving socioeconomic conditions.

b- Youth and Illegal Immigration in Tunisia:

This study, conducted by Professor Abdessattar Sahbani, a sociologist at the Tunisian University, alongside a team of researchers, is titled *Youth and Irregular Migration in Tunisia: A Field Study of Social Representations and Practices*. (SAHBANI.A, 2016) The study aimed to:

1. **Analyze a representative sample** of Tunisian youth aged 18-34 years from both genders and various regions.
2. **Identify key social, educational, and economic characteristics** of the studied sample.
3. **Outline the general features** of the environment in relation to migration and irregular migration.
4. **Examine the social representations** of migration and irregular migration within the studied group.
5. **Explore latent and practical predispositions** to engage in irregular migration pathways.
6. **Map out the general characteristics of irregular migration** and the profiles of irregular migrants.

The study included fieldwork across all Tunisian governorates to ensure diverse representation of age groups and focused particularly on popular neighborhoods. These neighborhoods were highlighted due to their significant role in irregular migration, serving as major hubs for youth participation in such activities. The total sample size was 1,168 young individuals, with particular attention to the neighborhoods as they often represent a key reservoir for irregular migration.

Key Findings :

1. **Widespread readiness to engage in irregular migration** was evident across all regions, age groups, and even among employed individuals. While male participation dominated, a significant rise in indicators of female involvement was noted.
2. **Strong presence of migration discourse** within the sample group, especially among those willing to participate in irregular migration. Their knowledge of migration pathways was notably precise.
3. **Social environment as a driving force**, where the convergence of poor social and political conditions, along with a lack of opportunities, pushes individuals towards migration.
4. **Youth defending irregular migration** demonstrated a belief that potential risks would not deter them, as they were willing to repeatedly attempt migration if initial efforts failed.
5. **Social representations of migration** framed it as a gateway to employment, success, and social mobility—not just for the migrant but also for their family. Returning migrants enjoying improved lifestyles serve as symbols of this success.

This study provides a nuanced understanding of how structural and cultural factors interplay in shaping youth perspectives on irregular migration in Tunisia.

Conclusion:

As a conclusion, the overwhelming majority of studies, have agreed about the real causes and consequences of child illegal immigration which are the combination of political, economic, social and cultural factors:

1. Widespread readiness to engage in illegal immigration was evident across all regions, age groups, and even among employed individuals. While male participation dominated, a significant rise in indicators of female involvement was noted.
2. Strong presence of immigration discourse within the less developed countries societies, especially among those willing to participate in illegal immigration. Their knowledge of immigration pathways was notably precise. This discourse affects all categories, including children.
3. Social environment as a driving force, where the convergence of poor social and political conditions, along with a lack of opportunities, pushes individuals towards immigration.
4. Youth defending illegal immigration demonstrated a belief that potential risks would not deter them, as they were willing to repeatedly attempt immigration if initial efforts failed.
5. Social representations of immigration framed it as a gateway to employment, success, and social mobility—not just for the immigrant but also for their family. Returning immigrants enjoying improved lifestyles serve as symbols of this success.

Finally, the solution to deter the phenomenon of illegal immigration from increasing, especially among children, is to find suitable conditions that help maintain and protect children in their home countries, forcing the receiving countries to organize the immigration process in full coordination with origin ones. This involves identifying sectors and their need for immigrants, regulating the conditions of their reception, and ensuring their rights. In return, origin countries must address the root causes of this phenomenon, which primarily stem from their realities and the challenges they face, such as deficits and poverty in the field of human development.

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