**The Privacy Rights of Children in the Middle East**

**This report is submitted to the Special Rapporteur on the right to privacy, on the privacy rights of children in the middle east, focusing on the armed conflicts area, by Maat for Peace, Development and Human Rights (an organization in special consultative status with the Economic and Social Council).**

Wars and armed conflicts in some countries of the Middle East have seriously undermined the child’s right to privacy, which is no longer valuable or effective in these countries, contrary to Article 16 of the Convention on the Rights of the Child that protects children’s privacy and calls on states to activate its laws for the implementation of this right. Privacy is defined as "the ability of individuals to control their lives, and to manage other people’s access to their own ideas or personal data." [[1]](#footnote-1)

Such conflicts have negatively impacted the development and growth of children, pushed them into unsafe and illegal lines of work, and left an extremely large number of them in vulnerable situations, such as the unaccompanied children. In a related context, rape and other serious sexual violations that children are exposed to, especially in countries suffering from chaos and insecurity, have become a major threat for children, blatantly and completely violating the child’s right to privacy, which became worthless.

Therefore, Maat for Peace, Development and Human Rights presents this questionnaire to the Special Rapporteur on the right to privacy, to clarify the connection between wars, conflicts, unaccompanied migration and the alarming surge in the number of unaccompanied children and the high rate of grave violations committed against them in the Middle East countries, such as Yemen, Libya, Iraq and Palestine, along with shedding light on similar incidents taking place in more stable countries such as Egypt, Turkey and Morocco, let alone the foreign interferences and its contribution to the high rates of children who are exposed to these violations, and its impact on their development and growth, and the disappearance of privacy, which is supposedly guaranteed by internal laws and international conventions.

**1. Unaccompanied children**

Unaccompanied children are defined under the General Comment No.6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin 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."[[2]](#footnote-2) This definition is also applied for unaccompanied internally displaced children and migrant children. In light of the increase in armed conflicts and external interference in some countries of the Middle East, the rates of unaccompanied children have surged to tens of thousands, according to the United Nations High Commissioner for Refugees.[[3]](#footnote-3)

In **Yemen**, by the end of 2019, family dysfunction caused by displacement after indiscriminate bombing and military operations led to the presence of about 1,200 unaccompanied children, who do not enjoy the slightest degree of privacy and are more likely to join armed groups for getting paid and to avoid economic needs.[[4]](#footnote-4) **Libya** is also among the countries in which children live in extremely fragile conditions. Amidst violence and widespread chaos, about 90,000 children have been forced to flee their homes, including 15,000 unaccompanied or detained children, who were suffering from poor treatment and services even during of the truce between the conflicting parties in Libya, which means that the ongoing conflicts and the breach of the cease-fire by the Libyan army have undoubtedly contributed to the exacerbation of the crisis of these children.[[5]](#footnote-5)

Hence, it can be said that armed conflicts violate the children's right to privacy. Children living in conflict-affected areas are particularly vulnerable to abuse and the absence of physical safety. They are vulnerable to being killed and injured at any time, not to mention the surrounding conditions in which they live. Many of them live without their parents, among huge numbers of people, which is inconsistent with the children's right to privacy. Children are suffering in the overcrowded relief camps set up by the militias, where more than 20 children are piled nearly on top of each other in a single tent, with no safe distance between them. Such closeness would affect sexual activity and encourage verbal and physical abuse in many cases. All of the above indicates the absence of the concept of privacy among children who have been recruited either by force or by will to obtain money in order to secure their lives, and at other times in order to support their families if they are still alive.

In **Morocco**, there is another tragedy that haunts unaccompanied children who migrate to Spain. As revealed by Spanish government, until the beginning of the last year, about 9,000 unaccompanied Moroccan children were reportedly living in Spain, making up 68% of the total number of unaccompanied children from foreign nationalities. In light of this high percentage, unaccompanied Moroccan children in Spain face problems that affect their privacy, and push them to commit security crimes. According to the Spanish Public Prosecution, 12% of these children were involved in serious crimes and 6% were investigated with for minor misdemeanors.[[6]](#footnote-6) This means that the unaccompanied migration of these children had the decisive factor in influencing their behavior and shaping their personality, which accounts for the high rates of crimes they commit. Additionally, the majority of migrant children can’t afford private rental accommodation and had to live with other people, at least at the beginning of their migration, which makes them willing to do whatever it takes to make easy money, including theft, swindling, etc.. The cases of unaccompanied children in the previously mentioned three countries highlight the total absence of the concept of privacy, since it is not possible for minor unaccompanied migrants to enjoy privacy. And this concept is absent in light of armed conflicts and wars, and in light of the fragile situation of children who are more likely to join armed militias.

**2. Violence and sexual exploitation against children**

Children in some countries of the Middle East are exposed to heinous attacks, with regard to sexual violence, especially in areas of armed conflicts and insecurity. And as the world tries to cope and live with the emerging Coronavirus pandemic, international organizations have estimated the high rates of children who are exposed to online sexual exploitation and abuse. In 2019, about 25 thousand violations of children's rights were reported, with 70 daily violations, among which, 735 cases of sexual violations against children were confirmed.

In **Iraq**, about 3.6 million children, that is, one in five children, are at risk of death, injury, sexual violence, kidnapping and forced recruitment by armed militias and affiliated groups,[[7]](#footnote-7) even after the remnants of the Islamic State in Iraq and the Levant (ISIS) were expelled by the end of 2018. This war has caused severe damages to children; Yazidi girls have suffered from sexual violence by the "ISIS" organization, and up to 2000 children have returned to their families in Iraq. Such children were subjected to the intolerable suffering of captivity between 2014 and 2017 and the vast majority of them are being subjected to psychological rehabilitation. At the beginning of this year, a female doctor working in the facility that provides psychological care to the victims of these sexual violations confirmed that most of the girls whom she treated, especially those between the ages of thirteen to seventeen, were raped or subjected to some form of sexual violence.[[8]](#footnote-8)

In a similar context, **Yemen** has reported a wide range of cases of sexual abuse of children, especially in light of the ongoing conflict between the Houthi militia and the internationally recognized legitimate government. At the same time, testimonies of women human rights defenders in Yemen, complaining about the high rates of children exposure to sexual violence, have been documented. However, they were reluctant to report these cases for fear of armed militias. And in mid-2018, three children were raped while the fourth was subjected to sexual assault attempts, including an eight-year-old child.[[9]](#footnote-9) Accordingly, violating the child’s right to the physical integrity is regarded as a form of breaching privacy, as such violations may jeopardize the future of victims, putting their life at the risk of developing serious illnesses. According to medical reports, women who are raped at early ages may develop serious illnesses such as atherosclerosis and the ensuing medical conditions such as heart disease, stroke, or clots in general, as atherosclerosis prevents the blood from passing adequately to the organ nourished by this artery[[10]](#footnote-10). The same applies to male children who are subjected to sexual abuse. They are exposed to severe psychological effects that often exceed what females feel, causing high cortisol level as a result of psychological stress which in turn causes high blood pressure, and then heart diseases.[[11]](#footnote-11)

On another hand, **Turkey** has witnessed a steady increase in the rate of crimes, more specifically "sexual crimes", against children. **Although Turkey doesn’t suffer from internal fighting**, according to a government report issued by the Turkish Statistical Institute, the rate of crimes against Children in Turkey surged by about 15% from 2015 to 2019, and crimes of sexual abuse of children only increased by 93%, with increase from 16,258 children in 2015, to 31,445 children in 2019.

This is evidenced by the fact that among the 1000 cases examined by the14th Chamber of the Judicial Council in one month, 990 cases were related to crimes of sexual exploitation of children, which undoubtedly confirms the violation of the child’s right to the physical privacy, and the psychological and moral impact it have on these children[[12]](#footnote-12). With the alarming surge in the crimes of child sexual abuse in Turkey, the Turkish government is still trying to pass a law that allows the rapist to marry his victim to avoid punishment, which is also applied to children under the age of 18.[[13]](#footnote-13) In the same context, the number of perpetrators of sexual crimes against minors in Turkey has reached 4,000. And in case of passing such law, the given figure will likely have doubled, as this law may encourage some people to violate the privacy of the body of girls under the age of eighteen, in order to marry them against their will later.

**3. Child Detention & Recruitment**

The second paragraph of Article 37 of the Convention on the Rights of the Child states that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of “last resort” and for the shortest appropriate period of time, this is despite the fact that many UN bodies have concluded that the principle of "last resort" does serve the best interest of the child in any way. This is consistent with the Committee on the Rights of the Child calling on states to stop detaining children on the basis of their immigration status. [[14]](#footnote-14)

In **Libya**, there is a wide spectrum of violence and detention against children, which was even exasperated by various foreign interferences. The 2019 Secretary-General's report on children in armed conflicts included the Libyan Government of National Accord's detention of 8 girls, between the age group of 14-17 years, over alleged links to the Libyan National Army. [[15]](#footnote-15)

The Government of National Accord in Libya, in cooperation with the Turkey-backed armed militias, has recruited children in the ongoing war, taking advantage of their poor financial and economic conditions. Human rights reports have documented Turkey’s recruitment of 150 children, between 14 and 18, to fight in the military operations against the Libyan National Army, 16 of whom were Syrian children killed in the first half of 2020. [[16]](#footnote-16) Hundreds of children were recruited by Al-Wefaq government to fight in Libya. As a result, the child Taha Tawfiq Khaled Al-Dabbab from Zuwara was killed in May 2019 in the indiscriminate bombing of civilians in Libya[[17]](#footnote-17). In this context, human rights reports indicate that the security guards of children camps, or those who forcibly fight alongside the forces of Al-Wefaq government and their militias, are physically abusing these children, especially those who do not participate in the fighting and serve the militants, in exchange for small amount of money. Physical abuse is not even the biggest worry, as testimonies of many survivors documented the inhumane conditions that contradict the issue of privacy in general and children privacy in particular, such as searching their bags or sexually or verbally abusing them, not to mention the ensuing psychological effects that drive these children, in many times, either to revenge or to end their life.

**Israel** is also among the countries that have also practiced detention against Palestinian children, and according to international reports in November 2019, the number of children detained in Israeli prisons reached 130, including two children in administrative detention. One of these children was Suleiman Abu Ghosh, 14 years, who was arrested by the Israeli forces from the Qalandia refugee camp and detained for a period of up to 4 months.[[18]](#footnote-18)

**4. Children's Online Privacy**

A huge number of children spend most of their time online, especially after the outbreak of the novel Coronavirus pandemic, and the various measures taken by countries to confront the pandemic, which made most children rely on the Internet as a source of education, entertainment, and communication. However, this lifestyle has exposed children to a massive torrent of cyberbullying and blackmails. Forms of sexual exploitation include sending or receiving sexually explicit or suggestive images, in light of absence of parental and government guidance.[[19]](#footnote-19) Which is regarded as an explicit violation to their privacy and personal security because these images may be used against them in many cases in order to make money.

Although there are no detailed statistics on threatening children's lives on the Internet, experts estimate that 4 out of five children suffer some kind of psychological violence in school or home, such as domestic violence, bullying, or online violence[[20]](#footnote-20). With the continuation of the precautionary measures to prevent the emerging coronavirus, a good number of children have been exposed to cyberbullying, which has had a severe psychological impact on these children. In Egypt, for example, and in early 2020, a girl named Hadeer Mohamed posted photos of her engagement on her "Facebook" account, in which she appeared wearing an engagement dress and putting make-up. The photos went viral in no time, and sarcastic comments flooded her, which made her fiancé break off the engagement. After that, the girl appeared in a bad psychological state. It is needless to say that many cases of cyberbullying may end up with the victims committing suicide[[21]](#footnote-21). In the end, it can be asserted that the above-mentioned violations cannot coincide with the children’s online privacy protection or any other right guaranteed by international conventions for the child. Thus, it is necessary for states to unite their efforts and cooperate with international bodies of common concern for the rights of the child in order to counter theses grave violations committed against children. Accordingly, **Maat for Peace, Development and Human Rights recommends the following**:

* **The Special Rapporteur on the right to privacy** **should** refer in his annual report to the foreign interference and its impact on violating the child privacy and the ensuing consequences that cause large number of children to lose their families, face displacement, and join armed militias driven by their desire to make money.
* States in the Middle East region should take effective measures to end the arbitrary and unlawful detention of children, especially in Libya, where the Government of National Accord detains hundreds of children for later recruitment.
* The Israeli violations against the right of Palestinian children as well as the arbitrary and unlawful detention of children must be ended.
* Different countries should expand the organization of training courses or workshops in order to accurately and consciously understand the issue of privacy among children, and be more aware of the issue of safe applications that should be used by children, so that the child is not exposed to online sexual exploitation or cyber-bullying.
* National legislations that would protect children from sexual abuse or bullying and other violations that affect the child's development, independence and survival must be adopted.

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