**Human Rights Council Advisory Committee**

**UNACCOMPANIED MIGRANT CHILDREN AND ADOLESCENTS AND HUMAN RIGHTS**

**Questionnaire - DENMARK**

*This questionnaire forms part of consultations undertaken by the Human Rights Council Advisory Committee with* ***States*** *with a view to developing a research-based study on the global issue of unaccompanied migrant children and adolescents and human rights, pursuant to Human Rights Council resolution 29/12.*

**Background**

In its resolution 29/12, the Human Rights Council requested the Advisory Committee to develop a research-based study on the global issue of unaccompanied migrant children and adolescents and human rights, in which it identifies areas, reasons and cases where this issue arises in the world, and the ways in which human rights are threatened and violated, and makes recommendations for the protection of human rights of members of this population, and to submit it to the Council at its thirty-third session for its consideration.

In this context, the Advisory Committee decided, at its fifteenth session held in August 2015, to establish a drafting group in charge of the preparation of this study.[[1]](#footnote-2) The drafting group will present a draft progress report at the sixteenth session of the Committee in February 2016, before its submission to the thirty-third session of the Council.

In its preparation of the study, the drafting group decided to seek the views and inputs of Member States of the United Nations, international and regional organizations (including UNICEF, IOM and OHCHR), relevant special procedures mandate holders and treaty bodies (such as the Special Rapporteur on the human rights of migrants and the Committee on the Rights of the Child), national human rights institutions, civil society organizations and other relevant stakeholders.

The drafting group elaborated the hereunder questionnaire in order to seek the views and inputs of States. Respondents are advised to reply only to questions that are applicable to them, on the basis of their country’s situation (source, transit or destination country).

**1. General situation**

**1.1** What is the situation of unaccompanied migrant children[[2]](#footnote-3) and adolescents in your country? Please provide available statistics and relevant information.

***Number of unaccompanied minors applying for asylum in Denmark 2009-2015***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ***2009*** | ***2010*** | ***2011*** | ***2012*** | ***2013*** | ***2014*** | ***2015*** |
| *529* | *432* | *282* | *355* | *354* | *818* | *943**(as per 30 September 2015)* |

***Number of residence permits issued to unaccompanied minors in Denmark 2012-2014***

|  |  |  |
| --- | --- | --- |
| ***2012*** | ***2013*** | ***2014*** |
| *82* | *51* | *156* |

*In 2014, the three largest nationalities applying for asylum as unaccompanied minors were Syria, Eritrea and Morocco.*

*So far in 2015, the three largest nationalities applying for asylum as unaccompanied minors are Syria, Afghanistan and Eritrea (as per 31 August 2015).*

*In 2014, 6 % of the unaccompanied minors applying for asylum in Denmark were between 0-11 years old. 14 % were between 12-14 years old. 80% of the unaccompanied minors were between 15-18 years old.*

**1.2** What are the main causes that force or encourage children and adolescents into situations of unaccompanied migration?

1. Structural causes.
2. Immediate causes. [[3]](#footnote-4)

*Unaccompanied minors leave their countries of origin for a variety of reasons. The main reasons are e.g. war, persecution, and organized violence and forced marriages. Some are sent by family members and some decide to leave their country of origin on their own.*

*As described above, the majority of the unaccompanied minors applying for asylum in Denmark in 2015 are from Syria, Afghanistan and Eritrea.*

*The applicants from Syria explain that the main reason for migrating is the Syrian civil war and fear of military service.*

*The applicants from Eritrea often explain that they are migrating because of the indefinite military service in Eritrea.*

*We also receive a large number of applicants from Morocco. They usually migrate because of socioeconomically reasons.*

**1.3** Based on your experience, what are the transit, reception and living conditions of unaccompanied migrant children and adolescents in your region?

*If an unaccompanied minor applies for asylum, he/she is accommodated in a special centre for unaccompanied minors with specially educated staff. If certain conditions apply and the asylum seeker accepts certain terms, the asylum seeker can be accommodated privately with relatives living in Denmark.*

**1.4** What are the main human rights violations faced by unaccompanied migrant children and adolescents in your region? Please give examples.

*No information to provide.*

**2. Cross-cutting issues**

**2.1** In connection with article 12 of the Convention on the Rights of the Child, in your country or region, are there specific mechanisms or procedures to ensure that migrant children and adolescents’ views are heard and fully taken into account in all matters affecting them? If yes, please describe.

*Pursuant to the Danish Aliens Act Section 56 a (1), a personal representative is appointed as soon as possible for all unaccompanied children who seek asylum or stay in Denmark without permission. The powers and obligation of a personal representative equals those of a holder of custody. The personal representative supports and cares for the child as regards personal issues and attends the asylum interview and other meetings with the authorities. Thus, the assistance and presence of the personal representative secures that the child’s views are put forward.*

*Furthermore, it should be noted that section 56 a (8) of the Aliens Act provides for a counsel/legal representative for minors in certain cases.*

**2.2** If your answer to question 2.1 is positive, what have unaccompanied children or adolescents expressed as their main reasons for migrating? And what did they describe as their reception and living conditions in transit and destination countries?

*The Danish government does not have information to provide with regard to unaccompanied minors’ reception and living conditions in transit and destination countries.*

*Moreover, please see answer 1.2.*

**2.3** Based on your experience, do you think the human rights violations inflicted on unaccompanied migrant children and adolescents are motivated by gender considerations?

*No information to provide.*

**2.4** In your country, what is the legal definition of a child / an adolescent?

*A person under 18 years.*

**3. Laws, policies and coordination mechanisms**

**3.1** Do you consider that your country’s migration policies take into account the protection of the rights of migrant children and adolescents in general, and of unaccompanied migrant children and adolescents in particular? Is the migrant child/adolescent considered as a distinct right-holder? Are there any specific measures implemented to protect the rights of unaccompanied migrant children and adolescents? If yes, please provide details.

*Denmark considers unaccompanied minors as a particularly vulnerable group, and special guidelines on how to process their applications have therefore been drawn up. The applications of unaccompanied minors must be processed quickly, and the minors must be accommodated in special centres staffed by personnel who have received special training. Every unaccompanied minor is assigned a personal representative who looks after the minor’s interests.*

*Moreover, under sections 9 c (3) (i) and (ii) of the Aliens Act, a residence permit may be issued to an unaccompanied alien under the age of 18 who has submitted an application for a residence permit under section 7 (asylum) if there is reason to assume that the alien will be without family network or without any possibility of staying at a reception and care centre and will in fact be placed in an emergency situation upon return to his country of origin or former country of residence. The provision is applied in accordance with Denmark’s international obligations, i.e. the UN Convention on the Rights of Child.*

**3.2** In your country, are there specialized authorities/personnel/services trained to specifically deal with migrant children and adolescents (such as migration or border officers, psychosocial support, etc.)?

*The Danish Immigration Service has two teams which specialize in interviewing unaccompanied minors. The Danish Immigration Service also has an internal training program for case officers relating to unaccompanied minors. Furthermore, the Danish Immigration Service has developed internal guidelines, and all caseworkers are trained in interviewing techniques. The caseworkers are thus able to approach the unaccompanied minors with questions appropriate for minors.*

*In the asylum system, the personnel take care of the children/adolescents according to their needs. The operators of asylum centres are responsible for providing school and other activities to maintain and develop the skills of the children/adolescents. The operators hire trained personnel to handle these tasks. Some operators offer psychosocial support to asylum seekers but it is not a requirement set by the Danish Immigration Service.*

**3.3** What are the main challenges and barriers (legal, political, financial, administrative, economic, social and cultural) that impede the effective protection of unaccompanied migrant children and adolescents?

*No information to provide.*

**3.4** Are there in your country coordination mechanisms to ensure that all relevant stakeholders effectively collaborate to elaborate effective measures to protect the rights of migrant children and adolescents, and monitor and evaluate their implementation?

*No information to provide.*

**3.5** How do you collaborate with other countries in your region to guarantee the promotion, protection, respect and fulfilment of the rights of unaccompanied migrant children and adolescents during the various phases of their migration processes (departure, journey, stay in transit and reception countries, return to country of origin)? Please explain your answer.

*Denmark collaborates with Finland, Iceland, Norway and Sweden on – amongst other issues – unaccompanied migrant children.*

**4. Others:**

**4.1** In your opinion, what is the role of civil society organizations in the protection of unaccompanied migrant children and adolescents?

*Civil society organizations – especially the Red Cross – play a big role in the protection of unaccompanied minors as the Red Cross recommends the personal representative who is appointed for the minors.*

**4.2** Please provide examples of best practices with regard to issues related to unaccompanied migrant children and adolescents.

*No information to provide.*

**Deadline for submission of responses to the questionnaire:**

All parties are encouraged to submit their responses via email or fax as soon as possible but no later than **30 October 2015** to:

**hrcadvisorycommittee@ohchr.org**[Subject line: HRC AC unaccompanied migrant children and adolescents]

or

Secretariat of the Human Rights Council Advisory Committee

Attn. Ms. Dina Rossbacher

Office of the United Nations High Commissioner for Human Rights

Geneva, Switzerland

Fax: +41 22 917 9011

Thank you in advance for your contribution.

For more information about the Advisory Committee, please visit <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx>

\*\*\*\*\*\*

1. A/HRC/AC/15/L.2 [↑](#footnote-ref-2)
2. According to CRC General Comment No.6 (2005), “Unaccompanied children” (also called unaccompanied minors) are children, as defined in article 1 of the Convention, 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. [↑](#footnote-ref-3)
3. Structural and immediate causes are defined as follows: The structural causes are those depending on a system already installed. In the case of migration, this could be the control of production and distribution of national resources, social norms or social organization.

The immediate causes or direct causes are actions, events, flaw, or forces that are the immediate, initiating, or primary agent which leads to, or allows an action, event, or state to happen. One can refer to: beliefs, behaviours, practices, access to services and people's capabilities. [↑](#footnote-ref-4)