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Unaccompanied migrant children and adolescents and human rights**

 Draft final report on the research-based study on the global issue of unaccompanied migrant children and adolescents and human rights

 Draft progress report on the global issue of unaccompanied migrant children and adolescents and human rights, prepared by Carla Hanania de Varela, Rapporteur of the drafting group on unaccompanied migrant children and adolescents and human rights with the valuable contributions of Mr. Fabio Cano Gomez and Rene Cassin Foundation

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 I. Introduction

1. Pursuant to the adoption by the Human Rights Council of its resolution A/HRC/29/12, the Advisory Committee is mandated 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 the human rights of members of this population, and to submit it to the Council at its thirty-third session (September 2016).

2. At its fifteenth session, the Committee established a drafting group for the preparation of the above-mentioned study, which currently comprises Mario Luis Coriolano, Laura Maria Crăciunean, Hoda Elsadda, Carla Hananía de Varela (Rapporteur), Obiora Chinedu Okafor, Katharina Pabel, Anantonia Reyes Prado (Chair) and Changrok Soh. The drafting group has had the technical support From Mr Fabio Cano Gómez and From Rene Cassin Foundation.

3. The present report aims to provide a comprehensive analysis of the situation of unaccompanied migrant children from a human rights perspective in order to guarantee the commitments assumed by the States when ratifying the Convention on the Rights of the Child and other related human rights treaties are fulfilled. The fulfilment of these commitments ensures appropriate and timely protection for children in situations of high vulnerability when forced to migrate unaccompanied by their parents or guardians.

4. The present report provides information about the global issue of unaccompanied migrant children and adolescents and human rights, identifying areas, reasons and cases where this issue arises in the world, the ways which human rights are threatened and violated, recognizing best practices and making recommendations for the protection of the human rights of unaccompanied migrant children.

5. This study is based on two methodological tools, an ad hoc questionnaire addressed to States, national human rights institutions, non-governmental organizations and international organizations, as well documentary research.

6. In its preparation of the study, the drafting group elaborated questionnaires to seek the views and inputs of Member States of the United Nations, international and regional organizations, relevant special procedures mandate holders and treaty bodies, national human rights institutions, civil society organizations and other relevant stakeholders. A total of 61 responses were received to the questionnaires, including 14 from States, 36 from NGOs, 10 from NHRIs, and 1 from UNICEF.

 II. Main reasons and causes that force or encourage children and adolescents into situations of unaccompanied migration in identified areas

7. Unaccompanied migrant children and adolescents are a particularly vulnerable group because of their minority that impose a special protection, their migration condition expose them to all kind of serious breaches of their fundamental rights.

8. According to the Child Rights Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. This definition of a child is the same in regional and national texts. In Africa, Europe or in the Inter-American system of Human Rights, a child is a human being below the age of eighteen. National laws child definition are not far from the CRC one as it is shown in the answers received.

9. Unaccompanied children are according to the Committee on the Rights of the Child and the Inter-American Court of Human Rights 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, and who are moving to a country of which he is not a national. In Europe the meaning is precise regarding the European Union. Therefore, only minors who are nationals of third-countries and who arrive on the territory of the Member State are considered as unaccompanied migrant.

10. Unaccompanied migrant children are classified in different categories.

(a) Children separated from their family or caregivers during the move. Civil society, international organizations and national social workers conduct measures in reception and transit centers to enable prompt family reunification;

(b) Children who have started their journey as unaccompanied and separated children and are currently travelling with groups of people. Most of them are males aged 14 to 17 years old. They avoid being registered or pretend to be young adults;

(c) Children who have interrupted their migration due to lack of resources. In the context of the European migrant crisis, this group of children are often found in urban areas in Greece and Italy; they are particularly vulnerable to all types of abuse, exploitation, trafficking, enrolment by criminal groups and violence.

11. There are often important differences in motivation between migrant children that apply for asylum and those who do not. Children that seek asylum often flee their country out of fear of persecution or out of generalized violence. Children who do not apply for asylum are often moved by the desire to find a better future. This different between migrant and asylum seeker appears in the care of the two categories by the host State. Asylum seekers are under Geneva Convention of 1951 related to refugees’ statute and his Protocol of 1967; migrant children are under International Human Rights Law. But during the transit, migrant children and adolescents and children asylum seekers are exposed to the same risks and Human Rights violations.

12. Motivations to migrate are often multi-layered and depend on the country of origin, social and cultural background and personal or familial aspirations. In most cases of child migration the immediate and structural causes are extremely linked with each other.

13. Information received from States shows that there are multiple causes behind the migration of children, but with one factor in common, at the base of the migration motivations there are multiple violations of human rights of children in their countries of origin: lack of protection from different manifestation of violence, poverty, lack of opportunities, poor access to education and health services, maltreatment at home, different kind of threats, intimidation and insecurity.

14. In the case of migrants from Central American Northern Triangle the level of education is insufficient to break the intergenerational transmission of poverty that constitutes a key factor in children’s migration[[1]](#footnote-2). At the moment there is a discussion in Central America countries about the new phenomenon of forced displacement, including forced displacement among children and youth. There is an increasing movement of young people forced by treats and violence to migrate. Some States as Honduras accept the existence of forced displacement (internal and external) as the most important causes of migration, but other States like El Salvador emphasize the multi-layered explanation.

15. There are countries, like Colombia, that reported many cases of teenagers who left their places of origin due to violence and never applied for a refugee status. This phenomenon is also beginning to show in some isolated cases in the Dominican Republic, where adolescents migrate due to violence and economic reasons. In the case of Bolivian children, as well as in Ecuador, the main motivation is economic. Cases of children and adolescents who migrated as a result of natural disasters are also reported, mainly in the case of Haiti.

16. With the growing difference in living standards and wages between countries of destination and of origin, children are attracted towards those nations with higher standards of living and job opportunities that they do not find in their own countries. Child migrants, as is the case in the migration flows to North America, have the perception that migrating northward is the best way of improving personal status and quality of life, given the gap between North America and Central America[[2]](#footnote-3) in terms of human development.

17. Many informed that children have described irregular migration as a "necessary risk" considering the need and the benefits thereof. The study also shows that authorities are perceived by children as an obstacle to reach their destination and in very few cases are they associated with the obligation to protect child rights[[3]](#footnote-4).

18. Extreme poverty has historically been one of the main motivations for children to leave their homes as is the case of Central America. In Guatemala 41.7% of children suffer from chronic malnutrition, a percentage that is higher in regions with large indigenous populations. According to interviews conducted by the Social Welfare Department and the Attorney General's Office of Guatemala (Procuraduría General de la Nación) with 10,166 unaccompanied migrant children and adolescents in 2015, 67% travelled searching for job, 23% due to family reunification, 2% were looking for better opportunities and 0.4% do not know the reasons (this is the population aged 0 to 5 years). Only 0.1% mentioned direct violence as the reason to move.

19. In El Salvador, the Returnees Care Center attended 4,114 migrants’ children and adolescents between June 2014 and July 2015, of which 45% were unaccompanied. When asked about the reasons for migrating, 36.1% replied they wanted to join their family, 31.7% mentioned better living conditions and 27.48% were moved by threats[[4]](#footnote-5). Violence has become a growing factor in migration in Central America. In Honduras, it has been reported that parents of children decide to send them abroad to prevent them from being recruited by gang’s members[[5]](#footnote-6).

20. Children and adolescents migrate alone from their home country to join their parents or other family members in the destinations countries in Europe or North America. There is the lack of or strict criteria to qualify for regular channels for family reunification. In Europe there are often minimum income requirements on adults to sponsor their children for family reunification, excluding low-income migrant workers, and at times having a particularly discriminatory effect on migrant women. Despite common EU legislation on family reunification, there remain restrictions in some EU member States in terms of the age of the child and the family members that are able to sponsor the child. Furthermore, some migrant workers are unable to apply for official family reunification as they are not legal residents in the country of destination[[6]](#footnote-7) .

21. IOM estimates that 2.2 million people including 1.5 million children (55%) have been displaced internally as a result of the conflict in northeast Nigeria, with nearly 400,000 Nigerian refugees and people internally displaced in neighboring Chad, northern Cameroon, and in the Diffa region of Niger. In Zimbabwe, which has seen a high increase of child migration flows in the last years, the main reported causes for their migration are: sexual abuse of children by caregivers, peer pressure, death of caregiver (mostly due to HIV/AIDS), breakdown of traditional families, public budgets that do not prioritize child rights, deteriorating education standards, high school dropout rates, and poverty[[7]](#footnote-8).

22. In the case of Senegal, when children agree to talk about the causes which push them to migrate, they cite mainly economic reasons. Their parents have entrusted them to people who have promised to find them work in neighboring regions or other African countries. However, most are subjected to the worst forms of child labor[[8]](#footnote-9). In Swaziland, it has been recorded that the main cause of child migration is the attempt to flee from wars and persecutions. They still fear the countries near their country of origin and try go to a country that guarantees the respect of human rights[[9]](#footnote-10).

23. In Western and Central Africa migration is strongly influenced by the region’s rapid population growth. Conflicts in Nigeria, the Central African Republic, Mali and the Democratic Republic of the Congo (DRC) result in huge numbers of people being displaced, a large proportion of which are children. Additionally, because of high demand of cheap and productive workforce, young people become very attractive for contractors. Agricultural fields, gold and diamond mines, stone quarries, the informal sector and domestic work are activities with a high proportion of child labor working in exploitive conditions.

24 In Bangladesh, as in other Asian countries, there is a tradition of labor migration in the transition from childhood to adulthood. Children are urged to migrate in order to enter adulthood and often their families force them to leave and migrate in order to bring money to the household. Cultural norms and traditions contribute to children being trapped in poverty and, in turn, this increases their vulnerability to abuse and exploitation[[10]](#footnote-11). These regional cases tend to have a strong motivation on traditional gender considerations, such as the case of the marriage market in India.

 III. Situation of unaccompanied migrant children and adolescents in identified areas

25. Unaccompanied migrant children separated from their families are the most vulnerable group among all migrants; the lack of information about their situation is one of the most important barriers found by institutions and States to effectively protect their rights.

26. Determining the migrant age is the first step which must be taken by the host State in the caring procedure of the unaccompanied migrant children and adolescents. Minority is the essential condition to benefit from the specific protection granted by the CRC. Age determination through medical exams and interviews should only be used if the young migrant do not have his identity documents to prove how old he is[[11]](#footnote-12). In general, number of national authorities use medical tests combined with interviews to determine the migrant age. Once the minority established, the unaccompanied children have the right to be assist by a legal guardian, to be hosted in a reception center, and to have a legal assistance if he apply for asylum.

27. Migratory policies based on detention and deportation have failed to discourage irregular migration. Usually, transit migrants use less guarded and riskier areas. In this context, an increasing number of migrant families contact traffickers hoping to make the journey abroad, which may lead to the separation of children from their families, leaving children in most cases without any protection. Migrant children usually choose to go through country roads and thus are not very visible to the local population, the organizations offering services and the immigration authorities.

28. Despite the measures taken by the states after the crisis of Central American migrant children to North America of 2014, the phenomenon continues to grow. In 2015 and 2016 the flow of children migrating with their family and unaccompanied has grown, as well as deportations. According to the IOM the three countries having the largest number of children deported are El Salvador, Guatemala and Honduras. The characteristics are changing, the ages of the children are becoming short, they travel more frequently alone, and risks have increased. The most of children come from single-parent households and have a low level of schooling.

29. Across the European Union, age determination procedures are frequently intrusive and unreliable, unaccompanied children are often subjected to the same violations as undocumented adults. If apprehended, and particularly if not recognized as a child, unaccompanied children can face detention[[12]](#footnote-13), deportation, and violence[[13]](#footnote-14). Authorities treat illegal entries as a criminal activity rather than as mere violation of administrative regulations.

30. In the first nine months of 2015, more than 200,000 children applied for asylum in European Union Countries[[14]](#footnote-15). Some of them did not reach their destination. In the same year, nearly 700 children are believed to have died crossing the Mediterranean Sea[[15]](#footnote-16). Each day, 700 children arrive Europe, many of them exhausted, distressed and some in need medical [[16]](#footnote-17)assistance[[17]](#footnote-18). In the former Yugoslav Republic of Macedonia the number of unaccompanied children and adolescents increased six-fold from 932 in August 2015 to 5,676 in October. In the first months of 2015, more than 23,000 unaccompanied migrant children and adolescents applied for asylum in Sweden alone[[18]](#footnote-19) and more than 30,000 were expected to apply in Germany by the end of 2015.

31. Most countries in Mediterranean Europe act both as transit and destination for migrant flows. For example, in 2014 a total of 14,243 unaccompanied migrant children landed in Italy, of which 3,707 absconded after landing and 10,536 were hosted in centers organized by local municipalities charged with providing reception. Up until August 2015, a total of 8,944 unaccompanied migrant children arrived in Italy. According to IOM, between January and July 2015, a total of 5,459 unaccompanied migrant children entered the country, 27% (1,467) of them coming from West Africa (Gambia, Nigeria, Mali and Senegal).

32. In October 2015, a total of 3,125 migrant deaths and missing migrants had been recorded in the Mediterranean, 40% of them from unknown origin, nearly 32% from Sub Saharan Africa and 11% from the Horn of Africa.

33. In Belgium, owing to a lack of reception places, children were housed in hotels with little assistance, in inappropriate reception structures or in adult shelters. In 2013 and 2014, however, there were enough places to accommodate unaccompanied children, due to the creation of additional facilities, but especially due to the decrease in the number of asylum applicants. Nonetheless, since May 2015 there has been a sharp increase in the number of migrant children, putting the reception network once more under pressure.

34. In the biggest flow of migration in Latin America, Mexico is a country of origin, transit, destination and return of migrants. Migrants are migrant children of Mexican origin that intended to enter the United States or, children of any other nationality who arrive in Mexico as a country of destination or transit on their way to the United States. In recent years, the arrival and irregular movement of children and adolescents in Mexico has increased enormously, mainly from Central American countries[[19]](#footnote-20). According to UNICEF Mexico, the number of unaccompanied migrant children and adolescents who were detected by Mexican immigration authorities increased by 333% from 2013 to 2015[[20]](#footnote-21).

35. In the United States of America, Customs and Border Protection officers and Border Patrol agents encounter and identify individuals as unaccompanied children. After they process the administrative case, they either transfer the child to an institution which will take care of him/her or, if permitted under the limited circumstances provided by law, arrange for the child's voluntary return. While they are assigned accommodation, migrant children should not be in the custody of Customs and Border Protection for more than 72 hours. However, they are in the custody of the Border Patrol for extended time periods in temporary locations and under conditions that affect their development and emotional health[[21]](#footnote-22).

36. In 2015 migrant arrests in the United States of America have declined but the number of arrests and deportations from Mexico into Central America has increased dramatically. This is due in some degree to USA’s pressure on Mexico[[22]](#footnote-23). Despite the decrease in arrests in the USA, repatriation practices are still common. In 2014, a total of 14,352 repatriations of Mexican children was carried out by the United States. The corresponding figure from January to July 2015 is 6,772[[23]](#footnote-24).

37. In Mexico, immigration authorities detain unaccompanied migrant children from Central America, detected at points of entry and by migratory reviews in rail and road mobile posts. According to the Migration Act, the National Migration Institute (INM) shall remove the children and accommodate them at the facilities of the National System for Integral Family Development (DIF). However, contrary to the amendment to the Migration Act in Article 29, children are detained for long and uncertain periods after being apprehended by immigration authorities[[24]](#footnote-25). The Mexico National Commission of Human Rights has found that from 35 migrant holding centers only 11 have areas for families and more than 50% lack specific spaces for the accommodation of children and adolescents[[25]](#footnote-26). Moreover, the focus of migration policy in Mexico is the detention and return of irregular migrants, even in the case of unaccompanied children. From January 2014 to June 2015, 14,864 unaccompanied migrant children were returned to their countries of origin[[26]](#footnote-27).

38. Other sources reveal that more than 85% of unaccompanied migrant children from Central America in Mexico end up being deported. Mexico does not comply with the 2011 reforms made in the Migration Act, including the requirement to consider the best interests of the child before repatriating migrants[[27]](#footnote-28).

39. The massive number of child returnees and the lack of preparation to reintegrate them is a severe issue in Central America. From 52 children arrested between 2013 and 2014, by immigration authorities in the United States, most coming from Honduras (13,282); Guatemala (11,479), Mexico (11,577); El Salvador (9,850); and other countries (829) [[28]](#footnote-29).For instance, from 2012 to July 2014, El Salvador reported a total of 5,411 children and adolescent migrant returnees, of which 96% come from Mexico; 34.7% are girls and young women, 65.3% are boys and young men[[29]](#footnote-30). In the year 2015, 3,091 unaccompanied children returnees were received in Honduras, while El Salvador recorded a total of 7,545 and Guatemala 9,613[[30]](#footnote-31).

40. In Latin America, although some governments have participated in special training and workshops on childhood, migration and human rights, most migration officers have no personnel assigned exclusively to work with unaccompanied migrant children. There is almost no local authority or institution in the region that works specifically on this topic. Despite the fact that legal frameworks to protect migrants and children are well developed, there are no laws on unaccompanied migrant children as a specific category. Some countries like Nicaragua do not even have a migration policy at all, so that the responses for the migrant population tend to be instrumental, short-term and uncoordinated[[31]](#footnote-32).

41. In South America, internal migration in Paraguay constitutes a special case. There is a constant displacement of children from rural areas to cities linked with internal trafficking for labor exploitation (commonly referred to as "criadazgo"). The “criadazgo”, widely practiced in Paraguay, consists of the migration of a child, often very young, from rural areas to the cities, and which is organized by contractors under the guise of protection. Children get into domestic work without any financial compensation in exchange for shelter, food, clothing, and education. According to the Permanent Household Survey it is estimated that there are 46,993 children and adolescents in a situation of “criadazgo”, which represents 2.5% of all children in the country". Furthermore, authorities have perceived a strong social legitimization and normalization of “criadazgo”[[32]](#footnote-33).

42. In Asia, the labor laws of some countries, such as India and Nepal, allow the exploitation of children workers by defining the age of 14 as adulthood. As Caritas Bangladesh reported, employers of children rarely consider the compensation they provide to child workers or their families as the fulfilment of duties to the children, nor do they see the children as rights holders entitled to claim their right to fair treatment and compensation.

43. In India, which has the world’s largest child population, migration of children within states and across state boundaries is increasingly prevalent. Gender issues are a regular cause in migration flows and human rights violations; in India the main cause for the migration being gender discrimination and low status of women in society which results in child marriage, declining female ratios and the demand for traditional sexual division of labor. Female migrant children are increasingly forced as service providers to fulfil the demand for a vast array of personalized services in the entertainment and sex industry, in domestic work and in the marriage market[[33]](#footnote-34).

44. In South Africa the number of irregular migrants is difficult to determine; estimates range between 2.5 and 7 million. Every week, about 2.000 irregular migrants, mainly from Mozambique and Zimbabwe, are deported and 20% of them are children (IOM Data 2014). These figures indicate that about 1.6 million migrant children stay in South Africa, Mozambique and Zimbabwe.

45. According to UNICEF Eastern and Southern Africa Regional Analysis Report of 2014, the South Sudan crisis has led to the mobilization of almost half a million people. Over 70 per cent of which are children that seek asylum in neighboring countries like the Sudan, Uganda, Ethiopia and Kenya. An estimated 35,000 are unaccompanied children.

46. Children in transit through Zimbabwe lack many social services. Once the children are outside the family environment they are often left by themselves and they may be exposed to hard living conditions. However, the reception conditions have improved in recent years as child reception centers have been set up by IOM, UNICEF and the Government of Zimbabwe. These reception centers provide basic social services for children and allow for family reunification.

47. A number of children in Africa are born in countries of transit in very precarious conditions. Inside Senegal, the phenomenon called the children "Talibés" is growing. "Talibés" children are displaced by Morabouts (Koranic teachers) who take them to cities for the alleged purpose of learning the Koran. However, they actually exploit them and force them to pay money. Studies show that there are 15,000 children without family in Dakar who are victims of exploitation. In most cases, these children come from the southern regions or neighboring countries like Guinea Bissau[[34]](#footnote-35).

48. Haiti, one of the most alarming cases in the Caribbean, has no reception structures dedicated to children. Unaccompanied children are kept together with repatriated adults in transit centers operated by the government. In general the centers do not meet the general standards in terms of hygiene, water and appropriate food[[35]](#footnote-36).

 IV. Main human rights violations faced by unaccompanied migrant children and adolescents in identified areas

49. A common denominator in almost every State is the lack of information about human rights violations faced by unaccompanied migrant children.

50. Specifically, under the Convention on the Rights of the Child, the rights and principles regularly violated in the case of unaccompanied asylum seeking children are: non-discrimination, best interest of the child, right to development, right to have a name and nationality, right to family reunification, respect for the views of the child, the right to health and medical care, right to education, and right to special protection measures[[36]](#footnote-37).

51. Unaccompanied migrant children are one of the most vulnerable populations who can be subjected to forced labor, drug trafficking, human trafficking and sexual exploitation. Some of them face a situation of greater vulnerability because of a lack of documentation from their country of origin, thus making it difficult to regulate their migration status and to access social services when arriving in a foreign country.

52. Discrimination due to race and ethnicity is still a practice in the United States, even by members of governmental institutions. For instance, UNHCR interviewed 100 Guatemalan children between 12 and 17 years of age who entered the United States and were in US Federal custody. Of the total, 48% identified themselves as indigenous people and complained about racism and discrimination against their community[[37]](#footnote-38).

53. Trafficking for sexual or economic exploitation, removal of organs and other forms of violence are the most severe violations in the case of migrant children in Paraguay. These situations prevent access to other basic rights such as education, health, housing and the right to a life free of violence. In recent research conducted by Luna Nueva Group named "Rutas críticas de explotación sexual y trata de NNA en el Paraguay” (2015), different kinds of violations were reported: sexual and, labor exploitation, organ trafficking, and trading girls for animals.

54 According to information from 2010 to 2012, human traffic flows originating from Sub-Saharan Africa occurred mostly within the region, with the majority of victims being children. UNODC reveals that Africa and the Middle East accounted for 62% of the global share of trafficked children between 2010 and 2012, the highest proportion in the world.

55. In many countries of destination, migrant children commonly acquire a debt with the trafficker / exploiter, who takes away the children’s documents and uses threats and violence to subdue them. The situation does not always improve when they are sheltered with local authorities. Children are said to be physically abused by both common people and government officials as has been the case of unaccompanied Zimbabwean children in Botswana, who have been introduced illegally into the country[[38]](#footnote-39).

56. Unaccompanied migrant children in the Democratic Republic of the Congo (DRC) are victims of labor exploitation. They carry out heavy work for little money, for example in artisanal mining, a job that prevents them from going to school and does not provide medical care[[39]](#footnote-40). According to UNICEF there are approximately 40,000 children working in mines across southern DRC. Unaccompanied migrant children are sometime arrested and jailed in adult prisons, as there are no juvenile prisons[[40]](#footnote-41). A similar case is Malaysia, a state that does not recognize refugees and asylum seekers since it has not signed the 1951 Refugee Convention. Children are constantly harassed by law-enforcement officers and many have been captured and placed in immigration detention camps, where there is no differentiation between minors and adults[[41]](#footnote-42).

57. In India, as in other countries in Asia, the exploitation starts from the time the children leave home. On their way to the cities, they are afraid of the police, fearing what will happen if they are caught. Agents take them to their agency and they are kept there until they are placed for work. There are also reports of physical and sexual abuse by agents and employers[[42]](#footnote-43). In Bangladesh, similar cases of abuse have also been reported.

58. Migrant children in Spain, whether accompanied or not, have a qualified regime that requires the administration to consider the best interests of the child in all proceedings affecting them. However, there is no authority yet that specifically deals with children and young migrants[[43]](#footnote-44).

59. The General Law on the Rights of Children and Adolescents in Mexico recognizes children and adolescents as rights holders and guarantees their full exercise, respect, protection and promotion of human rights. All children are full subjects of law. Therefore, they should enjoy the fundamental rights they are entitled to in their special capacity as persons in development, which are protected and embodied in international human rights instruments like the Convention on the Rights of the Child. As is the case in many countries in Latin America, despite the domestic and internationals laws, and the important efforts made by the State of Mexico, there is a big gap between human right treaties, the domestic laws and the day-to-day practice.

60. In Chile, even children of migrants that were born inside the country's borders were registered as stateless because they were considered as sons and daughters of "foreign in transit" (transeuntes), due to a biased interpretation of the Constitution. However, the legal definition of 'foreigner in transit' changed two years ago. Currently such a term can only be applied to tourists and crew members, now children of migrants born in Chile are considered Chilean. However, there are still reports of children who are registered as "Children of foreigners in transit" denying them access to a nationality or official identity[[44]](#footnote-45).

61. In some European States like Austria, children have to apply for asylum in order to be admitted to basic services and in order to receive immediate legal representation, which is first performed by the legal advisor at the Initial Reception Centre and, subsequently, by the Province Youth Offices. Competent authorities, once they establish contact with migrant children, should provide a solution that addresses all their protection needs, taking into account their views and favoring family reunification, except if that is against their best interests or will. In this respect, progress has been made in recent years. There are specific laws based on the Convention on the Rights of the Child that guarantees children and adolescents will be heard, so any subject that affects them will not be decided without hearing their points of view.

62. In Guatemala little has been done to enforce the right to freedom of opinion and expression in the case of children; there are many obstacles to the fulfilment of this right, such as authoritarian attitudes among adults[[45]](#footnote-46). Guatemala lacks an immigration policy with a human rights approach. Also they have not developed specific policies to protect, serve and assist unaccompanied migrant children[[46]](#footnote-47).

63. In El Salvador there is an official mechanism of interaction with children in order to take their views into consideration. Since 2014, there is an Advisory Council formed by children and adolescents representatives of the 14 departments of the State[[47]](#footnote-48). Additionally, the specialized staff of the National Council for Children and Adolescents (CONNA) caters for children during reception of returnees and conducts interviews to know their views, problems and needs.

64. In Paraguay, the Code of Childhood and the Adolescence (arts. 44 to 47) established Municipal Councils for Children and Adolescents. These Councils work with representation from children’s organizations. Despite this, many organizations in Paraguay are still complaining about the lack of real and effective spaces of active participation[[48]](#footnote-49).

65. New laws concerning the reception of international protection seekers, for instance in Italy, envisage and consolidate the child’s right to be heard in all matters affecting him/her. In Belgium a preliminary draft bill has been proposed to the government to ensure that every accompanied child has the right to be heard, without the presence of his/her parent(s) or legal guardians, to make sure the child can speak freely[[49]](#footnote-50). Furthermore, the child already has the right to refuse the accommodation by the federal agency, and to choose to live with an adult, often a member of his/her (extended) family. The child leaves the reception center once it is guaranteed that the adult can adequately accommodate him/her.

66. In Serbia, due to the lack of proper measures by the responsible institutions, the language barrier enables migrant children to explain their situation. This also effectively renders them unable to express their own opinion and prevents the authorities from determining whether their choice was voluntary and which underlying reasons motivated them to migrate[[50]](#footnote-51).

67. In Honduras there is a program devoted to under-age international migrants, which includes technical teams that are trained to attend this population. However there is no national policy that deals with the issue of migrant children and, in the case of returnees, there is only one center that is specialized to assist the Honduran migrant children returning from abroad and undocumented foreign-born children[[51]](#footnote-52).

68. In Zimbabwe migration policies take into account the protection of the rights of migrants, however the practical implementation of those policies remains a challenge. Zimbabwe recently passed the Anti-trafficking Act that seeks to protect unaccompanied children. Furthermore, the establishment of reception centers for unaccompanied children deported from South Africa, Botswana and Mozambique (along the main borders in Beitbridge, Plumtree and Nyamapanda) is based on the protection of the rights of children. These children are provided with basic social services such as temporary shelter, food, clothing, medical care and, if possible, family reunification.

 V. Gender considerations

69. There is almost no information provided by States to account for the violation of human rights of migrant children, therefore information on violations motivated by gender is missing as well.

70. Despite the lack of information, it has been identified that international migrations have a differential impact by gender in Mexico. For instance, a teenager named Maya Mam stated in an interview that her alternative in order not to be subjected to sexual abuse was to ask a male fellow traveler to introduce her as his girlfriend in front of others, a pretense for which he asked to be paid[[52]](#footnote-53). Furthermore, heterosexual women are not the only target of gender based violence since discrimination against and persecution of lesbian, gay, bisexual, transgender and intersex people has also been registered among children[[53]](#footnote-54).

71. Domestic service is a common job for female migrants in Mexico; the vast majority of them are under the age 18. Those coming from Guatemala tend to come from indigenous origins. Furthermore, this vulnerable group has been subjected to labor exploitation and lack of minimum labor rights, such as a legal contract and a legal residence. In this context, it is almost impossible for female child migrants to obtain temporary or permanent residence status, as a result of the costs involved and the interest of their employers[[54]](#footnote-55).

72. Authorities in Guatemala recorded that in many cases the danger of rape is so high that traffickers themselves, in order to prevent any possible pregnancy[[55]](#footnote-56), force teenage girls to a contraceptive injection before the journey. In Central America most of the children migrating to the north are male, but recently the number of female are increasing.

73. In cases of sexual exploitation, female victims are the majority. For instance, unaccompanied migrant children in Italy who originate from Nigeria, and often reported to be victims of trafficking and exploitation, are mostly female.

74. In Senegal transit and/or destination areas are clearly divided by gender conceptions. Thus, migration related to domestic work is mostly designated to female migrants and jobs that need physical strength prefer males. Existing data in Senegal indicates that migration has gradually been more "feminized". Senegalese girls represent two out of three victims of trafficking[[56]](#footnote-57).

75. In one of the most severe gender migration instances, over 20,000 women and young girls from Nepal to India (mostly aged between 12 and 25) are smuggled every year for domestic or sexual work and marriage. In recent times, some girls as young as 8 have been rescued from traffickers. Some girls are taken from their homes and communities to work as sex slaves in the brothels of Mumbai, Bangalore, Delhi, Siliguri or Kolkata. Around 200,000 girls from Nepal are working in Indian brothels[[57]](#footnote-58).

 VI. Regional and interstate coordination

76. For the purpose of effective decision making and assuring the legal rights of migrant children, many countries work with multi-agency coordination mechanisms involving the authorities of the Federal Public Administration, international organizations, members of academia and civil society organizations. There are different procedures between ministers, government agencies and local institutions for the purpose of sharing information and collaborating with the regulation of migrant children but in many cases this procedures are not being efficient or designed from a human rights perspective.

77. Cooperation between countries in Latin America is focused on arrest and repatriation of children and adolescents to their countries of origin, hence the invisibility of children as a stakeholders. The need for protection is often absent in the analysis of situations that expose children. Therefore refugee status is not an option in most cases, despite the legitimate reasons of children which would make them eligible. International collaboration from a perspective of prevention is indeed rare[[58]](#footnote-59).

78. At the regional level, Mexico is part of the Regional Conference on Migration (CRM). This is a multilateral regional forum for Caribbean, Central American and North American countries on international migration, dealing with issues of origin, transit, destination and return of migrants. Members of CRM formed an ad hoc group on migrant children in order to promote immediate action and effective protection of unaccompanied migrant children during any phase of the migration flow. However, despite its importance this is an effort that has little real impact.

79. In Mexico, Central America and the Caribbean regional treaties do not include specific obligations for countries of transit or destination with respect to guarantees for children in migration processes, such as the prohibition of detention, due process, and the principle of the best interests of the child[[59]](#footnote-60). Regional bodies such as the SICA and the Central American Commission of Directors of Migration (OCAM)[[60]](#footnote-61) have been key to the dialogue and the implementation of regional decisions to approach migration. However, although regional agreements for the free movement across border (CA-4 and single Central American visa) have favored mobility within the region, efforts are needed for effective protection of rights and for the social integration of Central American migrants. There has not been effective collaboration.

80. In 2014 the Inter-American Court of Human Rights (IACHR) issued its Advisory Opinion No. 21 on "Rights and Guarantees of children in the context of migration and / or in need of international protection" (OC-21 ) in response to the request made in 2011 by the member States of MERCOSUR at the time, namely Argentina, Brazil, Paraguay and Uruguay. This was the first time that a block of States appeared before the Inter-American human rights system with a common position on an issue of concern for the protection of human rights in the region. The OC-21 is a regional achievement that provides novel guidelines to define and expand the scope of the rights and interests of migrant children. Furthermore, the OC-21 determines the principles of the primacy of childhood approach over immigration policy and in that sense the weight of the principle of the best interests of the child in all measures adopted under immigration proceedings.

81. The Youth Care is a network of organizations structured by regional authorities in Belgium, however private in nature. Through this organization non-governmental entities organize the services themselves, while they are recognized and funded by the government. All children, regardless of their age and the “phase” of reception, can at any time be referred to the services of Youth Care, on condition that they have ‘special needs’ which are recognized by the authorities. These services encompass reception in residential structures, foster care, and living alone with guidance. Given their nature and the kind of funding available, the Youth Care Services differ largely from the services organized by federal agencies in terms of type of accommodation and infrastructure, number of staff and staff training, and number of children living together. However, there are long waiting lists to access the Youth Care Services and they are not able to meet all the needs of the youngsters.

82. In Europe, there is some institutional collaboration for the purpose of protecting unaccompanied child asylum seekers. The Dublin III regulation on family reunification establishes collaboration on a case to case basis.

83. In Southern Africa efforts have been stepped up with the implementation of joint projects cutting across three southern African countries. For example, the Destination Unknown Campaign project, which is being implemented in Zimbabwe, South Africa and Mozambique, is being funded by Terres Des Hommes Germany. However, regional efforts and coordination need to develop significantly in order to protect unaccompanied migrant children[[61]](#footnote-62).

 VII. The role of civil society

84. Many countries with serious migration issues have strengthened the relationship between government and civil society. In this regard, states recognize the work that civil society organizations carry out in order to serve, assist and guide migrant children in their primary or basic needs as well as the promotion of their human rights. On the other hand, there are reports, as the one presented by Caritas Myanmar, that still perceive a lack of collaboration between Government organizations, INGOs, NGOs and United Nations organizations.

85. Civil society plays a prominent role to uncover the problem of insecurity, to provide services and arrange institutional networks that have experience in the matter, and also to serve as watchdog to ensure that States guarantee all fundamental rights of unaccompanied migrant children.

86. Civil society intervenes in prevention and response to child abuses, neglect, violence and exploitation; they assure that children live with legal documentation and that their specific needs for durable solutions are met in their best interest. Many organizations provide education and medical assistance, psychosocial support, food, shelter, water and sanitation. Some NGOs have even brought legal actions in the case of severe violations inside government agencies.

87. There are INGOs and global networks like Casa Alianza and ECPAT that foster training programs for staff and experts from the police, social workers, youth welfare authorities on measures to protect child refugees from trafficking and sexual exploitation and general human rights protection.

88. Civil society has significant work experience in communication and awareness of human rights of migrant children. Thus, civil society has tried to reach institutions, social organizations, children, the media and society in general in order to convey their views of the situation and to generate structural changes and influence public policies.

89. NGOs have demonstrated a far better level of coordination and cooperation than States on migration issues. As an example, Caritas works with governmental and international organizations for the protection of children. Caritas partners are national ministries, UNICEF, IOM, UNESCO, etc. In Guatemala there is a Coordinating Group of Civil Society on Migration, where organizations such as Casa Alianza participated in the construction of the proposed policies and in advocacy before the Commission for Migrants of the Republic Congress. Moreover, the Regional Network of Civil Organizations for Migration-RROCM is a network of civil society organizations and individuals from 11 countries in Latin America that is present in global fora.

90 As an important regional example in Africa, a civil society organization such as Terre des Hommes plays the role of an umbrella body for all NGO's dealing with child rights in Zimbabwe. It coordinates activities and advises the government on how to protect the rights of migrant children. It monitors and evaluates every activity by periodic reports on the state of child rights in Zimbabwe that are sent to the United Nations Convention on the Rights of the Child Committee of Experts, African Committee of Experts on the Rights and Welfare of the Child, Universal Periodic Review and Southern African Development Community (SADC)[[62]](#footnote-63).

91. Thanks to the useful cooperation among all relevant stakeholders operating in the centers financed with European funds, it has been possible to ensure family reunification in many cases. For instance, in Italy there was a case of family reunification between children and their father, who was living in France. The children had no documents proving their identity but the reunification was made possible by a DNA test.

92. The Federal Association for Unaccompanied Children Refugees (Bundesfachverband unbegleitete minderjährige Flüchtlinge, in short: BumF) has been working towards the improvement of the legal situation of children who arrive in Germany without the support of a guardian. Bum Fruns a project called “Stand on One’s Own Feet” to enhance active integration for young refugees in Germany. Numerous obstacles often hinder their integration. Nevertheless, many adolescents succeed in actively leading a socially committed life and fulfilling their personal goals[[63]](#footnote-64).

 VIII. Recommendations

93. The Human Rights Council Advisory Committee recommends that Member States of the United Nations should:

(a) From the perspective of Human Rights countries of origin, transit and destination have the same responsibilities face to the protection of accompanied migrant children. Human rights of children have no nationality nor borders.

(b) States of origin should reinforce their legislative, administrative, budgetary and political efforts to give the first priority to fulfil the rights of their children as the lack of basic needs as education, food, and training for work, special protection against all form of violence and discrimination are the basis of children’s decision to abandon their lands. Local, national, regional and international protection systems should be revised and strengthened. In the most of cases, the problem is not the lack of legislation or of programs designed to protect migrant children but the lack of effectiveness in their application[[64]](#footnote-65).

(c) Children’s best interests should be the guidance for the design and implementation of migration policies, ensuring the inclusion of budget for children’s migrant issues on the main government agencies.

(d) It is highly recommended to the States of origin, transit and destination to implement a participatory national policy of child migrants. A policy based on a human rights approach should analyze the financial, economic, social, cultural and administrative aspects of child migration, particularly in relation to child trafficking and labor exploitation.

(e) States should eliminate the gap between the living conditions of unaccompanied migrant children and children for whom welfare authorities are responsible. The former should not be discriminated in comparison to the latter just because of their migration status.

(f) There is a need to change the negative perceptions of migration flows in order to end the criminalization of migrants. In many countries migration issues continue to be dealt with from a perspective that prioritizes border protection and security rather than the protection of human rights.

(g) Domestic law has to be reconciled with international standards. Outdated practices and laws need to be restructured. Many countries are not yet applying individual rights that are contained in the Convention on the Rights of the Child. For example, the regulation of the grounds for expulsion and the procedure for its execution does not make a special mention of children. Meanwhile, legislation on child protection also lacks an approach that considers the particular situation of unaccompanied migrant children.

(h) Develop boundary committees that allow partners from countries of origin, transit and destination to meet and present the issues and problems of common interest, and improve coordination for more effective and efficient protection of the rights of unaccompanied migrant children.

(i) Efforts should be made to incorporate in every level of the migration and reception system staff that has been specially trained in the treatment of children and rights of the child. The organization and implementation of regular training of officials for the treatment of unaccompanied children should be provided by the State,

(j) States should ensure that the support centers serving as first contact points for unaccompanied children have special secure accommodation capacities solely for unaccompanied children.

(k) Establish programs in centers that give priority to the social integration of migrant children. Therefore, activities like language and integration courses, learning support, education programs and preparation for an independent way of living should be contemplated.

(l) Provide information to migrant children that is adapted to their age and cultural conditions, using simple and clear language; if necessary, the support of an interpreter should be available.

(m) Process quickly and efficiently any application for asylum of unaccompanied children, while they are housed in a shelter that is equipped according to international standards.

(n) The Advisory Committee encourages Member States to continue care for former unaccompanied migrant children to support their transition to adulthood in the host/receiving country.

(o) The Advisory Committee recommends to States to take into account the different categories of unaccompanied migrant children their characteristics and situations in the design of policies and programs to realize their human rights. However, these classification should not lead to abandoning a holistic approach of child rights.

(p) The rights of migrant children must be effective not only declarative, for that purpose, their application must be measurable and applicable to countries of origin, transit and destination as well as the return process. The principles and rights on which the indicators should be organized are: Principle of the Best Interest of the Child, recognition of the child as right holder, equality face to law and the right to non-discrimination, right to life, survival and development, Effective access to legal assistance and guarantees, participation and right to opinion, confidentiality, non-detention, non-return, presumption of minority, principle of non-re-victimization, principle of progressive autonomy, principle of protection and consular assistance, principle of not limiting in the attribution of right, principle of priority attention.

(q) The indicators should cover the four stages of migration: origin, transit, destination and return, and be at least at 4 levels: structural, process, result and context.

 IX. Best Practices

94. In order to face the increasing flow of unaccompanied migrant children in Italy, a new reception system was implemented in 2015 with the aim of setting up first-assistance reception centers dedicated to migrant children[[65]](#footnote-66). First health care actions to children in Italy are regular procedures for the identification of potential physical and/or psychosocial problems, in the very early stages, in order to ensure adequate health and educational support during the continuation of the reception procedure. Psychosocial customized support actions are needed due to the psycho-physical stress of the trauma caused by the journey and due to the painful personal experiences of migrant children.

95. In some countries, social workers, guardians, educators or legal representatives assigned to the unaccompanied migrant child before the asylum procedure begins[[66]](#footnote-67). These persons have the role to accompany the child from the beginning of the application (first interview) throughout the entire asylum seeking process until a final decision is issued and applied[[67]](#footnote-68). Asylum seeking children have by law access to legal information from the beginning.

96. In many countries operators of asylum centers are responsible for providing school and other activities to maintain and develop the skills of children. Some of the National Education Laws have safeguards to ensure equal access to education for all migrants at all levels. For instance, Germany is a desirable destination for migrant children because of the support they receive and the special treatment granted by youth welfare authorities[[68]](#footnote-69) . Children get a quick assignment from the initial reception centers into the residential groups and different measures are taken to foster integration such as courses, including language courses, and school assignments[[69]](#footnote-70).

97. In Azerbaijan, some shelters provide nutrition three times a day, special medical assistance, housing space and local language classes. Additionally, the High Commissioner for Human Rights has the right to enter any of the housing centers without prior notification and make recommendations that have to be implemented within a defined period. However, not every unaccompanied migrant child has a respectful and proper treatment in Azerbaijan. As has been reported by the local Ombudsman, children from the streets were picked by NGOs and placed in their shelters; it was found that no effective rehabilitation work had been done with them and no professional legal aid had been provided either[[70]](#footnote-71).

98. In some cases, like Denmark, the institution that provides housing and shelter for unaccompanied migrant children is the same that takes cares of national children in need. This is also the case of Spain, where migrant children are often in centers with Spanish children in need of protection.

99. In Lithuania the coordination between government institutions is efficient mostly in returning migrant children, without prioritizing the will of the child and without proper consideration to the situation that the migrant child is going to find in his/her country of origin. If an unaccompanied migrant child is not returned to his/her country, he or she is provided with a temporary residence permit valid for no longer than one year[[71]](#footnote-72).

100. In Belgium the Flemish Parliament approved the implementation of the Decree “Integrated Youth Care” that abandons the distinction between asylum seekers and non-asylum seekers, giving rights and legal status of protection to every migrant child irrespective of his/her origin and personal history. The country has developed a task force on unaccompanied migrant children in 2009, which examined possible actions to reduce the risk for this group of migrants, particularly the risk of being a victim of smuggling and human trafficking. The task force addressed several recommendations to the Minister in charge and emphasized prevention, detection, identification and monitoring of unaccompanied children in situations of potential abuse.

101. The German Federal Child Protection Act (Bundeskinderschutzgesetz) applies to everyone under 18. This means it includes unaccompanied migrant children and adolescents. The local youth welfare authorities are responsible for taking concrete action to ensure the wellbeing of the child. However, as soon as the person turns 18, the comprehensive protection measures are no longer applicable[[72]](#footnote-73).

102. As stated in the article 37 of the Convention on the Rights of the Child, the detention of unaccompanied migrant children is a serious human right violation, although there is one exception in some countries like Belgium: if a child arrives at the border, and there is a doubt about his/her age, he/she can be held in detention for three working days (exceptionally extendable for another three working days). Once the child’s minority has been proved, he or she has to be transferred to an Observation and Orientation Centre within 24 hours.

103. Female migrant children are seldom accorded special treatment. However, specific measures, such as female interviewers within Migration Services in order to interview female victims, have been recorded in Azerbaijan.

104. In an initiative to recover the national culture and identity of Azerbaijan migrants, the Azerbaijan Ombudsman met with representatives of the Azerbaijani Diaspora in Norway and Prague and donated secondary school textbooks and publications about the history and literature of Azerbaijan[[73]](#footnote-74).

105. Several EU Member States have implemented prevention and development projects in third countries to try to address the situation on UAMs who seek to travel to the EU. Spain – project to prevent irregular migration from Senegal; Slovenia bilateral project with Afghanistan; Belgium – several awareness-raising missions to countries of origin of important group of migrants; The Netherlands – bilateral project in Afghanistan.

106. As a State with serious migration issues, Mexico has specific institutional capacities for the protection of migrant children. The National System for Integral Family Development, through the Program for the Protection and Integral Development of Children, coordinates and oversees the operation of the Strategy for Prevention and Treatment of unaccompanied migrant children. Its aim is to unite efforts and actions between the three branches of government, private organizations and national and international civil society to address the needs of children and young migrants and returnees.

107. In most European countries, there are many national programs for protection, reception and assistance of migrant children in most countries. Also, some European Countries are implementing interventions aiming at creating a well-defined reception system organized in highly specialized structures and special facilities. For instance, the Danish Immigration Service has two teams which specialize in interviewing unaccompanied children. Furthermore, it has developed internal guidelines and all caseworkers are trained in interviewing techniques. The caseworkers are thus able to approach the unaccompanied children with questions appropriate to their age. Migrant children in Spain, whether accompanied or not, have a qualified regime that requires the administration to consider the best interests of the child in all proceedings affecting them. However, there is no authority yet that specifically deals with children and young migrants.

108. In Italy, humanitarian visas are now being provided for vulnerable children who do not receive refugee status. These humanitarian visas are established in the Italian law.

1. Information provided by the Dirección de Investigación en Derechos Humanos Procurador de los Derechos Humanos de Guatemala [↑](#footnote-ref-2)
2. Source: CDH Fray Matías. [↑](#footnote-ref-3)
3. Source: Aldeas Infantiles SOS Nicaragua. [↑](#footnote-ref-4)
4. Source: Returnees Care Centre. [↑](#footnote-ref-5)
5. Source: Comisionado Nacional de los Derechos Humanos de Honduras. [↑](#footnote-ref-6)
6. Source: PICUM. [↑](#footnote-ref-7)
7. Information provided by Terre dos Hommes Zimbabwe. [↑](#footnote-ref-8)
8. Information provided by Caritas Senegal [↑](#footnote-ref-9)
9. Information provided by Caritas Swaziland [↑](#footnote-ref-10)
10. Information provided by Caritas Bangladesh. [↑](#footnote-ref-11)
11. Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, 5 july 2010, [↑](#footnote-ref-12)
12. In accordance with article 37 of the Convention on the Rights of the Child, migrant children should not be detained. [↑](#footnote-ref-13)
13. Information provided by PICUM. [↑](#footnote-ref-14)
14. Source: Eurostat Asylum [↑](#footnote-ref-15)
15. Source: United Nations High Commissioner for Refugees (UNHCR), migrant/refugee response, <http://data.unhcr.org/mediterranean/regional.php#_ga=1.8119218.1683179444.1444069195>. As cited in UNICEF. Protecting children on the move. Geneva, November, 2015. http://www.unicef.org/emergencies/files/Refugee\_and\_Migrant\_Crisis\_Advocacy\_Web\_12\_11\_15.pdf. [↑](#footnote-ref-16)
16. IOM Northern Triangle of Central America, official figures of return and unaccompanied migrant children. 2016 [↑](#footnote-ref-17)
17. See UNICEF. Regional Humanitarian and Situation Report. Number 1. Geneva, 12 October 2015. http://data.unhcr.org/mediterranean/regional.php#\_ga=1.8119218.1683179444.1444069195 [↑](#footnote-ref-18)
18. Source: Swedish Migration Agency. [↑](#footnote-ref-19)
19. According to the statistics of The National System for Integral Family Development (SNDIF), most children and adolescents who are in transit or in an irregular migration situation in Mexico were adolescent males with basic education. [↑](#footnote-ref-20)
20. Source: UNICEF Mexico [↑](#footnote-ref-21)
21. Information provided by ACAI [↑](#footnote-ref-22)
22. Source: World Vision Latin America and the Caribbean Regional Office [↑](#footnote-ref-23)
23. Secretariat of Governance of Mexico (SEGOB) [↑](#footnote-ref-24)
24. Information provided by Congregation of Our Lady of Charity of the Good Shepherd Mexico [↑](#footnote-ref-25)
25. Source: Mexico National Commission on Human Rights [↑](#footnote-ref-26)
26. Source: Secretariat of Governance of Mexico (SEGOB) [↑](#footnote-ref-27)
27. Source: CDH Fray Matías [↑](#footnote-ref-28)
28. See: Press release IACHR. No. 67/14, IACHR Expresses Deep Concern on the Situation of Children Migrants Arriving to the United States, 20 June, 2014. [↑](#footnote-ref-29)
29. Source: The General Directorate of Immigration of El Salvador. [↑](#footnote-ref-30)
30. Information Provided by the Ministries of Foreign Affairs in Honduras, El Salvador and Guatemala. [↑](#footnote-ref-31)
31. Information provided by Aldeas Infantiles SOS Nicaragua [↑](#footnote-ref-32)
32. Information provided by Luna Nueva Group. As sited in ECPAT Paraguay questionnaire submitted to the Advisory Committee of the Human Rights Council on the situation of migrants in transit, including unaccompanied children and adolescents, as well as women and girls. [↑](#footnote-ref-33)
33. As the declining female ratio in India continues, young girls are trafficked into the country and sold to get married. [↑](#footnote-ref-34)
34. Information Provided by Caritas Senegal. [↑](#footnote-ref-35)
35. Information provided by World Vision –Haiti. [↑](#footnote-ref-36)
36. International legal principles that prescribe the responsibilities of States to unaccompanied children, are based in two main conventions: the Convention on the Rights of the Child of 1989, and the 1967 Protocol Relating to the Status of Refugees. [↑](#footnote-ref-37)
37. Source: Center for Gender & Refugee Studies University of California Hastings College of the Lawz; Universidad de Lanús, UNHCR y varios colaboradores. Niñez y Migración en Centro y Norte América. febrero 2015. Pág.49, 125. [↑](#footnote-ref-38)
38. Reports by Terre des Hommes Zimbabwe [↑](#footnote-ref-39)
39. Information provided by Congregation of Our Lady of Charity of the Good, Congo [↑](#footnote-ref-40)
40. Information provided by Congregation of Our Lady of Charity of the Good, Congo [↑](#footnote-ref-41)
41. Congregation of Our Lady of Charity of the Good, Malaysia [↑](#footnote-ref-42)
42. Information provided by Caritas India. [↑](#footnote-ref-43)
43. Information provided by Defensor del Pueblo Spain (Ombudsman). [↑](#footnote-ref-44)
44. Congregation of Our Lady of Charity of the Good, Chile [↑](#footnote-ref-45)
45. Information provided by Casa Alianza Guatemala. [↑](#footnote-ref-46)
46. Information provided by the Dirección de Investigación en Derechos Humanos Procurador de los Derechos Humanos de Guatemala. [↑](#footnote-ref-47)
47. Information provided by Aldeas Infantiles SOS El Salvador. [↑](#footnote-ref-48)
48. Information provided by Luna Nueva Group. [↑](#footnote-ref-49)
49. This proposal/law should be entering into force in 2016. [↑](#footnote-ref-50)
50. Source: Serbia, Ombudsman [↑](#footnote-ref-51)
51. Source: Human Rights Council Advisory Committee. Republic of Honduras questionnaire on unaccompanied migrant children and adolescents and human rights. [↑](#footnote-ref-52)
52. 32 Center for Gender & Refugee Studies University of California Hastings College of the Lawz; Universidad de Lanús, UNHCR y varios colaboradores. Niñez y Migración en Centro y Norte América. febrero 2015. Pág. Pág. 145. [↑](#footnote-ref-53)
53. Information provided by the General Coordinator of the Mexican Commission for Aid to Refugees (COMAR). [↑](#footnote-ref-54)
54. Source: CDH Fray Matías. [↑](#footnote-ref-55)
55. Information provided by Aldeas Infantiles SOS Guatemala. [↑](#footnote-ref-56)
56. Information provided by Caritas Senegal. [↑](#footnote-ref-57)
57. UNICEF report, 2014 Sep. [↑](#footnote-ref-58)
58. Source: World Vision Latin America and the Caribbean Regional Office. [↑](#footnote-ref-59)
59. Source: CDH Fray Matías. [↑](#footnote-ref-60)
60. OCAM is an initiative embedded within the Regional Conference on Migration (CRM). [↑](#footnote-ref-61)
61. Information provided by Terre des Hommes Zimbabwe. [↑](#footnote-ref-62)
62. Information provided by Terre des Hommes Zimbabwe. [↑](#footnote-ref-63)
63. Source: ECPAT Germany. [↑](#footnote-ref-64)
64. Source: Congregation of Our Lady of Charity of the Good Shepherd, México [↑](#footnote-ref-65)
65. Information provided by the Ministry of Foreign Affairs and International Cooperation of Italy. [↑](#footnote-ref-66)
66. In some countries the temporary and permanent residence permit for a child is only obtained upon the application by his/her legal representative. [↑](#footnote-ref-67)
67. In the USA legal representation to children is provided just in certain cases. The United States is not a party to the United Nations Convention on the Rights of the Child. Nevertheless, children have the right to be represented by legal counsel in the proceedings and there are various programs available to assist them. [↑](#footnote-ref-68)
68. ECPAT Germany. [↑](#footnote-ref-69)
69. Information provided by the Congregation of Our Lady of Charity of the Good, Germany [↑](#footnote-ref-70)
70. Information provided by Azerbaijan Ombudsman [↑](#footnote-ref-71)
71. Information provided by Ombudsman, Lithuania [↑](#footnote-ref-72)
72. Source: ECPAT International, Germany. [↑](#footnote-ref-73)
73. Information provided by Ombudsman Azerbaijan. [↑](#footnote-ref-74)