**Human Rights Council Advisory Committee**

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

**Questionnaire**

*This questionnaire forms part of consultations undertaken by the Human Rights Council Advisory Committee with* ***civil society organizations*** *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 from civil society organizations. 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. What is the situation of unaccompanied migrant children[[2]](#footnote-3) and adolescents in your country? Please provide available statistics and relevant information.

No statistics are available in Lebanon. No legal framework is protecting this category. They are considered as stateless. The Law 422 Juvenile Protection is present in Lebanon since 2002 but it doesn’t cover the migrants’ children.

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

1. Structural causes.

No legal framework is protecting the migrant domestic workers in Lebanon which is influencing the situation of their children.

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

Regarding the children of the migrant domestic workers, the majority are born here. The unaccompanied migrant children are the children of migrants in prisons, or the MDWs who have been deported or the children who have been abandoned by their mothers at birth.

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

At birth, hospitals refer them to specialized institutions following the General Prosecutor decision and they have the chance of adoption. The arrested children are “beggars, street children,...” referred to specialized institutions and to CLMC also according to the General Prosecutor decision. Adolescents are referred also to Caritas but they are prepared for repatriation and reintegration in their home countries. Reintegration in the Lebanese Society is related to the possibility of the regularization of their documents.

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

\* They don’t have the right to nationality of Lebanese.

\* No right to education especially children (The undocumented children).

\*No health coverage.

\* No protection.

\* They are victims of all abuses (sexual, physical, moral, prostitution, human trafficking, gangs.

**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. No.

**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?

We have a minor migrant. She came to work as Domestic Worker. Her parents and the agency falsified her papers and she left her country Bangladesh to earn money for her poor family.

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

Violations of rights are affecting both girls and boys.

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

Every person under 18 years old is considered as minor. The Law 422 is not criminalizing the children under 7 years old.

**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 by policy-makers? Are there any specific measures implemented to protect the rights of unaccompanied migrant children and adolescents? If yes, please provide details.

No laws and measures are taking into consideration the migrant children.

**3.2** 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 in your country/from your country?

The Lebanese Government didn’t treat the issue of migrant children as priority. The Law 422 covers the legal aspect of the Juvenile children protection. In addition to the national human rights strategy 2009. But both are not effective in protecting the children. They are not applicable for migrant children.

In 2015, no parliamentary meetings, no new laws, no regulations adjustments.

**3.3** As a civil society organization, do you participate and collaborate with governmental and other organizations to elaborate effective measures to protect the rights of migrant children and adolescents, and monitor and evaluate their implementation?

CLMC is working together with UNHCR and MOSA and other local NGOs working on the child protection, early marriage, and the street children.

**3.4** Do you think there is an effective collaboration between countries in your region to guarantee the promotion, protection, respect and fulfilment of the rights of unaccompanied migrant children and adolescents? Please explain your answer.

We are working with Migrant Forum Asia and the Arab Network for migrant workers towards ratification of C189 which includes “child labor”

**4. Others:**

**4.1** What is the role of your organization in the protection of unaccompanied migrant children and adolescents?

CLMC is providing for the protection through all its services, shelter, legal aid, medical aid, psychological assistance, social assistance, psychosocial activities, education, environment, reintegration in the home country.

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

Jorina is a Bangladeshi citizen who came to Lebanon to support her family because her father and mother are unemployed. So she decided to come to Lebanon because she knew that some women were leaving the country and they were earning money. Therefore her father borrowed money from the neighbors in order to pay the broker the amount of 750$. This broker ensured all the necessary documents for Jorina and he changed her age on the passport because her real age was 11 years old. Jorina left her family and came to Lebanon to earn money. She arrived to the airport where the employer waited and took her to the house. Jorina was working from 6h00 in the morning till 1h00 after midnight. The employer doesn’t allow her to take rest; she was taking care of the children and of the house. Jorina received one year salaries and she send the amount to her family in Bangladesh. After that her employer refused to pay her. Every time Jorina was asking for her salaries she was beaten by her employer who was telling her that when she travels she will get her salaries. Jorina suffered from the mistreatment because she could not handle anymore plus she needs all her salaries for her family. Her employer used to lock the door of the house but one day she forgot to lock it and she left to her work. Jorina decided to leave because she needed help, so she went to her agency who told her that he will help. Jorina stayed in the agency for three months waiting for the help but he did not do anything for her. Therefore the agent referred her to the Embassy and then she was referred to the CLMC. CLMC notified the Ministry of Labor. CLMC is offering her legal support and shelter.

[Subject line: HRC AC unaccompanied migrant children and adolescents]

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)