**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.*

**Karuna Mission Social Solidarity (KMSS) Caritas Myanmar, October 2015**

**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**

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

* **Myanmar is a major source and transit country for trafficking. In 2014, the Department of Social Welfare provided reintegration support to 83 child survivors of trafficking. In the first half of 2015, Myanmar Police Force investigated 82 cases of trafficking against children, 26 of those involve children. While there is no reliable estimate of the number of Myanmar children who are trafficked each year, it is assumed that these numbers represent a small fraction of the total.[[3]](#footnote-4)**
* **5.4 per cent of children aged 0–17 years in Myanmar were not living with their biological parents, most notably in border areas with high levels of migration. The largest numbers were found in Mon (19 per cent), Kayin(12 per cent) and Tanintharyi (12 per cent). A further 10 per cent of children in Mon State live with their mother only, although their father is alive**.
* **According to the ILO 2014 Report, its estimates that there are 200,000 to 400,000 migrant children in Thailand and the Myanmar Education Integration Initiative estimate between 300,000 to 600,000 migrant children living in Thailand (Migrant Education Integration Initiative, 2013). An unknown number of these are migrant children from Myanmar, residing in the border area. In some instances, children arrive unaccompanied: some are sent by their families in search of safety and education, some are kidnapped; some become separated from family during forced migration (Committee for the Protection and Promotion of Child Rights, Burma, 2009).**

**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. [[4]](#footnote-5)

* **The drivers of child trafficking as well as other child protection concerns include lack of access to information, provision of quality universal primary and secondary education, and social work support at community level to prevent and respond to vulnerabilities children and families face.**

**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?

* **Myanmar is original or sending country of unaccompanied migrant children and adolescents to others countries especially in Thailand and China.**

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

* **65 % of births are not officially reported in Myanmar. Rural regions are particularly affected by this problem, since midwives register births in an informal manner. Very few births are reported to the proper authorities; consequently, many children do not officially exist in the eyes of society.**
* **Lack of identity documentation, social protection and education are prevalent. Often stateless and disconnected from their families, communities, and cultures of origin and excluded from institutional affiliations, they live perched on the edge of society in a liminal state.**

**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.

* **Its dare to say that there is no specific mechanisms or procedures to protect of migrant children in Myanmar.**

**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?

**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?

* **Yes, with our experiences, the parents send their boys to seek better jobs or works for in Thailand or china or others parts or regions in Myanmar.**

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

* **According to Myanmar Child Law, age of 0 to 16 is a child and age of 17 to 18 is adolescent.**
* **Child; means a person who has not attained the age of 16 years;**
* **Youth: means a person who has attained the age of 16 years but has not attained the age of 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 by policy-makers? Are there any specific measures implemented to protect the rights of unaccompanied migrant children and adolescents? If yes, please provide details.

**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?

* **Lack of Legal is the main challenges and barriers that to protection of unaccompanied migrant children and adolescents in Myanmar. Myanmar is very weak or lack in structural causes to protect the children.**

**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?

* **Because of lack of collaboration with Government Organizations, INGOs, NGOs and UNs we cannot participate in the events.**

**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.

* **As sending country unaccompanied migrants children, the collaboration and networking with receptions countries is very important to promote, protect the rights of the children.**

**4. Others:**

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

* **As facilitator to advocate to community members to establish community based protection of unaccompanied migrants children and adolescents**.
* **As facilitator to advocate local authorities and Department of Social welfare(DSW) to strengthen the mechanism or reporting regarding unaccompanied children and adolescents to protect from human violations**.

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

[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>

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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. ***The Fight against Child Trafficking across the Southeast- posted by UNICEF Myanmar News Letter October 2015*** [↑](#footnote-ref-4)
4. 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-5)