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PERMANENT MISSION OF MONTENEGRO TO THE UNITED NATIONS OFFICE  
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

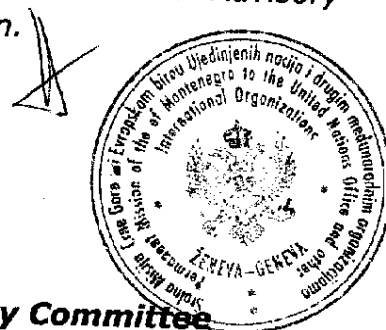
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*The Permanent Mission of Montenegro to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the Human Rights Council Advisory Committee and has the honour to convey the Written Replies to the Questionnaire concerning the unaccompanied migrant children and adolescents and human rights.*

*The Permanent Mission of Montenegro to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the Human Rights Council Advisory Committee the assurances of its highest consideration.*

Geneva, 29 October 2015

**Secretariat of the Human Rights Council Advisory Committee  
Geneva**



## **1. General situation**

### **1.1 What is the situation of unaccompanied migrant children and adolescents in your country?**

**Please provide available statistics and relevant information.**

Under the Law on asylum, over the period 2007-2015, in Montenegro 21 unaccompanied minors applied for asylum. In the asylum procedure, care is taken of the special needs of minors, persons completely or partially deprived of legal capacity, unaccompanied minors, persons with mental or physical disabilities, the elderly, pregnant women, single parents with minor children, persons subjected to torture, rape or other serious forms of mental, physical or sexual violence and other vulnerable persons.

After establishing identity and the fact that a minor is unaccompanied, such person will be provided with guardians in accordance with the law. Asylum applications by unaccompanied minors shall be resolved on a priority basis and decisions shall be taken within 30 days from the day of the application's submission.

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

**a) Structural causes**

**b) Immediate causes**

Our practice showed that both of these causes are present that force children, who were applicants for asylum in Montenegro, to unaccompanied migration.

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

During the asylum procedure in Montenegro, care is taken regarding the accommodation, psycho-physical condition and best interest of a minor and measures shall be undertaken for the tracing of family members.

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

Children who were applicants for asylum in Montenegro come mainly from countries where, among other things, the rights of children are violated.

## **2. Cross-cutting Issue**

**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 adolescents views are heard and fully taken into account in all matters affecting them? If yes, please describe.**

Asylum office does not have information on unaccompanied children who eventually left Montenegro.

**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?**

Asylum office does not have information on unaccompanied children who eventually left Montenegro.

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

21 Unaccompanied minors, who applied for asylum in Montenegro, were of male gender.

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

In accordance with the Asylum Law, an unaccompanied minor is an alien younger than 18 years of age who has been left without the attendance of either parent or guardian either before or after his or her arrival in Montenegro, until he or she has been placed under guardianship.

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

**3.1 Do you consider that your country's migration policies take into account the protection of the rights of migrant children and adolescents in general, and of unaccompanied migrant children and adolescents in particular? Is the migrant**

**child/adolescent considered as a distinct right-holder? Are there any specific measures implemented to protect the rights of unaccompanied migrant children and adolescents? if yes, please provide details.**

The standards of the EU Charter of Fundamental Rights and of the United Nations Convention on the Rights of the Child (UNCRC) dictate all EU action concerning unaccompanied minors. EU legislation on asylum, immigration and trafficking of human beings include specific provisions on the protection of the interests of unaccompanied minors.

In accordance with these standards, Montenegro has drafted a new Law on asylum which fully implements the provisions related to the protection of children's rights.

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

Case workers of the Asylum office are specially trained to work with minor asylum seekers, with special measures for prevention as well as for assistance and support based on an individual assessment of the child's circumstances, needs and views.

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

Montenegro is committed to protection of children, proven by its ratification of the International Convention of the Rights of the Child and its optional protocols.

According to the International Convention of the Rights of the Child, it is vital that countries establish mechanisms for the collection and analysis of data in order to monitor and evaluate the impact of policies adopted in the interest of children.

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

Asylum office shall cooperate with UNHCR at all the stages of the asylum procedure and share information and statistical data on asylum seekers, or persons who have been granted asylum, and on the implementation of the Convention Relating to the Status of Refugees and other international instruments concerning refugees, as well as laws and other regulations that are in force or that will be promulgated in the future.

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

Asylum office has participated in round tables, seminars and workshops devoted to the protection of the rights of unaccompanied migrant children.

**4. Others:**

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

Participation of civil society leads to better international, multi-sectoral and inter-agency cooperation whereas joint work contributes to improving the protection of children in the process of migration.

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

Montenegro protects the mental and physical integrity, and respect for and protection of the rights of every child irrespective of the situations in which children are.