**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.

Regarding to asylum seekers using the Balkan route from Greece to Macedonia, Serbia, Croatia, Slovenia: Macedonian authorities gives us some official information regarding of unaccompanied minors. The Macedonian authority records the number of children who are not accompanied by adults holding a certificate. In between June 19th and October 28th of 2015 there were 189 957 arrivals in Macedonia from which 117 537 males, 27 203 women (14,3%) and 45 217 children (23%) from which 8 816 (4,6% of the total) were recorded as unaccompanied minors.

These numbers are most probably lower that the realities as unaccompanied minors usually do not want to be identified as such because it usually slows down their travel. Therefore many are not giving their real age and are not recorded as UaM. Furthermore there is no real age assessment done during the registration and the authorities are not necessarily training to identify them.

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

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

There are different king of UaM some of them are separated children. They lost them family after starting traveling. This is an increasing phenomenon in the framework of the so called refugee crisis and thousands of people are traveling big groups are put into buses, trains and camps without special attention to families and children. Some children left and started traveling alone. They can travel alone or in group. There are usually more boy doing so. UNHCR reported for this profile the majority are boys in between 14 and 17 but it seems that more and more girls are being reported ( 1 047 in Serbia since the start of 2015) (UNHCR briefing note UaMSC October 9th).

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

In both Serbia and Macedonia the transit experience and UaM is not good – they have to go through the same conditions as the other migrants on the route: Cold weather, limited access to information or translation (the first question that people usually ask is where am I, where is the border) no appropriate clothing, stress, very limited access to sanitation and medical health. As an example in Berkasovo, crossing point from Serbia to Croatia, in the past 2 weeks in between 1500 and 3000 people had to wait and spend the night outside in an open field with not light, no water point, 1 doctor and 15 toilets. In Berkasovo he food is limited and so is the water.

In some countries such as Serbia or Greece, the travel is not free. Children with no money or separated children are at risk of trafficking. It was reported that in Belgrade some children were staying in the bus station for days as they were trying to gather money to pay for the bus or train travel.

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

**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.

**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?

War and the political situation in the country is the first reason reported for migration but they also mention opportunity for a better future, education and work opportunities and family strategies.

**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?

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

**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.

I would say not really. There are some existing mechanisms in both countries when an UaM is identified but from what our partners reported there are not properly working. Furthemore, the 2 countries Serbia and Macedonia do not aim at identifying all UaM they aim at facilitating the migration from one side of the country to the other one. There are, in both places pushing the influx out. To this had the fact that the authorities have absolutely not capacity to deal with such high number of people coming and identifying all UaM nor taking care of them.

**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 main challenge is the fact that UaM do not want to be identify as it would slower their travel. However, as mentioned before, the fact that some of the travel are not free is a big issue, the fact that they might not speak any local language or any English and access to translators are very limited du to the high number of refugees coming.

**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?

Not specifically in the emergency project. However we do refer children to relevant services when identify. This referral could be health, social services but also IOM or UNHCR.

**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.

In terms of refugees migration along the Balkan route I would say no as the first goal is to facilitate the migration through the country so refugees are not staying in Macedonia and Serbia.

**4. Others:**

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

In the framework of the emergency project in Serbia and Macedonia Tdh has 3 main activities

1. Distributions: We provide some distribution of clothing 8jackets, hats, socks, gloves, shoes to prevent to cold and the risks of hypothermia. We distribute hygiene kits for babies, children girls and mothers these includes underwear, papers, baby wipes, women pads
2. Safe space for mother and children: We provide the possibility for children and their families to rest a bit in a warm place and rest for a bit. During recreational activities children or parent can make cards with their name and contact on that they will place in the children’s pocket. This aims at avoiding family separation. We provide psychological first aid to some people present in the safe space and refer children and families to relevant services if needed (this included health, social services, IOM or UNHCR depending on the needs)
3. Providing information: we provide basic information about the rights of refugees and asylum seeker, information to prevent hypothermia, to prevent family separation. We also give access to wifi and to electricity which help in family linking.

The limits is however that the number of people that we support (in between 50 to 200 a day) is limited in comparison of the number of people arriving (6000 per day) to this add the fact that UaM might not want to become to visible and can be scared to be identified.

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

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

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

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

or

Secretariat of the Human Rights Council Advisory Committee

Attn. Ms. Dina Rossbacher

Office of the United Nations High Commissioner for Human Rights

CH-1211 Geneva 10, Switzerland

Fax: +41 22 917 9011

Thank you in advance for your contribution.

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

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

1. A/HRC/AC/15/L.2 [↑](#footnote-ref-2)
2. According to CRC General Comment No.6 (2005), “Unaccompanied children” (also called unaccompanied minors) are children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. [↑](#footnote-ref-3)
3. Structural and immediate causes are defined as follows: The structural causes are those depending on a system already installed. In the case of migration, this could be the control of production and distribution of national resources, social norms or social organization.

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