**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 groupdecided to seek the views and inputs of Member States of the United Nations, international and regional organizations (including UNICEF, IOM andOHCHR), relevant special procedures mandate holders and treaty bodies(such asthe 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.

The number of unaccompanied children in Zimbabwe has been on the increase in the past years due to among other reasons harsh economic conditions, breakdown of the traditional family set up, impact of HIV/AIDS, hunger, high school dropout rates. All these factors have resulted in children living outside the family environment and migrating in and outside the country on their own thereby exposing children to various risks. The number of irregular migrants is difficult to determine; estimates for South Africa range between 2.5 and 7 m. Every week, about 2.000 irregular migrants, mainly from Mozambique and Zimbabwe, are deported, 20% are children (IOM Data 2014). These figures indicate that about 1.6 m children in the context of migration stay in South Africa, Mozambique and Zimbabwe, an unknown percentage unaccompanied. There are no figures on migrant youth for the region.

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

1. Structural causes. The structural causes include lack of child friendly budget that does not prioritise children’s issues, deteriorating education standards, high school dropout rates, poverty,
2. Immediate causes.[[3]](#footnote-4) These include physical and sexual abuse of children by caregivers, peer pressure, death of caregiver mostly due to HIV/AIDS, lack of food.

**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?

The transit conditions lack basic social provision for the children. Once the children are outside the family environment they are left to cater for themselves.

The reception conditions have improved as child reception centers were set up by IOM, UNICEF and the Government of Zimbabwe. These reception centres provide basic social services for children and family reunification processes.

The living conditions of unaccompanied children are difficult as the children cannot get the basic social services. For example those living on the streets cannot access basic social services.

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

Child sexual abuse-most of these unaccompanied children are sexually abused as they have no one to protect them.

Physical abuse- these children are physically abused by both general people and government officials for example in Botswana unaccompanied Zimbabwean minors are canned for illegally entering into Botswana.

Lack of basic social services-the majority of unaccompanied minors cannot access basic social services such as health, food and clothing.

**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.

Zimbabwe has a formal junior parliament and junior council structures for children. These provide the plartform for children to air their views formally, however these structures are not adequately resourced and as such makes it difficult especially for the marginalised groups such as unaccompanied minors to participate. These structures junior parliament and councillors have been viewed as being elitist. There is need to make these structures fully representative of all children including unaccompanied minors.

**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?

Unaccompanied children have pointed out the following reasons for their migrating-running away from abusive family environments, poverty within their families, death of household heads mainly due to HIV/AIDS, lack of school fees resulting in them dropping out, child headed households hence the need to migrate to go seek for employment to get income to look after their siblings.

**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 especially those of sexual abuse as the girl child is more vulnerable and prone to both economic and sexual exploitation.

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

A child is any person below the age of 18 years-the government is in the process of aligning all other laws that defined children differently so that they all define a child as any person below the age of 18 years in line with the constitution of Zimbabwe adopted in 2013.

**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.

Yes the migration policies take into account the protection of the rights of migrants but the challenge is with implantation of these policies. Zimbabwe recently passed the anti trafficking act that seeks to protect unaccompanied minors. The establishment of child reception centers for deported unaccompanied minors along the main borders in Beitbridge,Plumtree and Nyamapanda is protect the rights of unaccompanied migrant children deported from South Africa, Botswana and Mozambique .These children are provided with basic social services such as temporary shelter,food,clothing,medical care and ultimately family reunification. These child reception centers were established by IOM.UNICEF and the Government of Zimbabwe. However of late IOM and UNICEF have pulled out and have handed over these centers to the Government of Zimbabwe and these are now being run by the Ministry of Public Service Labour and Social Welfare.

**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?

Inadequate allocation of financial and human resources towards the running and maintenance of these child reception centers which has made it difficult for the centres to provide adequate services to unaccompanied minors.

Failure to implement these policies due to inadequate human resources especially the shortage of Social Workers in government.

Lack of enforcement of laws that protect unaccompanied minors e.g punishment of child sexual offenders.

The mobile nature of unaccompanied minors makes it difficult for the authorities to track and follow up on them.

Lack of coordination within government and civil society on implementation of activities and policies meant to protect unaccompanied minors.

**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?

Yes we do, as an umbrella body for all civil society organisations dealing on child rights in Zimbabwe we actually coordinate these activities and we also collaborate and advise government on how to protect the rights of migrant children. We also monitor and evaluate these activities by compiling periodic reports on the state of children’s rights in Zimbabwe 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 SADC. We also advocate with Parliamentarians on the protection of the rights of 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.

For Southern Africa Region efforts have been stepped up which has seen 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 being funded by Terres De Hommes Germany. However a lot still needs to be done in order to protect unaccompanied migrant children given the ever increasing numbers of children migrating in Southern Africa.

**4. Others:**

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

Advocacy for policy formulation aimed at protecting unaccompanied migrant children

Advocacy for a child friendly national budget, we take part in the national budget consultations and we mobilise children to participate during these consultations and make their own children’s budget submissions to the Minister of Finance for consideration

We monitor and evaluate the implementation of policies and activities meant to protect unaccompanied children. We compile periodic reports on the challenges and successes made by Zimbabwe in implementing provisions of United Nations Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child, Universal Periodic Review and SADC.

We ensure child participation and capacity building of Junior Councillors, Junior Parliamentarians and other child led groups

We also engage the print and electronic media highlighting violation of unaccompanied children’s rights.

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

Establishment of policies aimed at protecting unaccompanied minors such as the Trafficking in Persons Act 2014

Establishment of Child Reception Centres at the main border posts providing basic social services and family reunification for deported unaccompanied minors.

Establishment of Child Participation structures e.g. Junior parliament and junior councillors that provide children with an opportunity to feed into policy making.

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

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

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

or

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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. 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)