



Situation of Unaccompanied Migrant Children and Adolescents from Human Rights Perspective

The Human Rights Council Advisory Committee

The Human Rights Council Advisory Committee prepared a study entitled “Global issue of unaccompanied migrant children and human rights”. The study aims to provide a comprehensive analysis of the situation of unaccompanied migrant children and adolescents from a human rights perspective. It, additionally, identifies areas of the world and cases where this issue arises, the reasons for them and the ways in which human rights are threatened and violated, recognizing best practices and making recommendations for the protection of the human rights of unaccompanied migrant children and adolescents.

In 2015, 15% of all international migrants were under the age of 20 years. The proportion of young migrants was significantly higher in the developing regions (22%) than in the developed regions (less than 10%). In the same year, children and adolescents constituted more than half of the total refugee population; and more than 100,000 asylum claims were lodged by unaccompanied or separated children. Nearly one in three children and adolescents living outside their country of birth is a refugee; for adults, the proportion coming under the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) is less than 1 in 20. Unaccompanied migrant children and adolescents are a particularly vulnerable group because of their double status as minors, which requires special protection, and as migrants, which exposes them to all kinds of serious breaches of their fundamental rights.

Migration of children and adolescents is usually motivated by multiple violations of the human rights in their countries of origin, lack of protec-



tion from various manifestations of violence, poverty, lack of opportunities, poor access to education and health services, ill-treatment at home and various kinds of threat, intimidation and insecurity.

At his end, the Human Rights Council expressed deep concern over the high growing number of young migrants; especially those are unaccompanied or separated from their families, who face dangers while crossing international borders on their way to another country.

Besides, the Council emphasized concern about bad conditions of migrants, especially unaccompanied or separated children and adolescents who were forced or decided to leave their origin countries for many reasons, in countries of transit and destination. These young migrants may face venturesome human right breaches threatening their physical, emotional or psychological integrity. They, also, may encounter human rights violations on the hands of crossing borders gangs or criminal groups, such as kidnapping, blackmailing, physical violence, human trafficking and sexual exploitation.

The general principles of the Convention on the Rights of the Child provide a framework that accommodated all procedures, relevant to children that should be taken into account when adopting legislations, policies and practices, regardless of their status, including migration. The New York Declaration on Refugees and Migrants asserts on the importance of the transit and destination countries to ensure that the return, whether voluntary or otherwise, must be consistent with the obligations of States under international human rights law, and in comply with the principle of the prohibition of enforced return and abide by the rules of international law, taking into account the rights of children migrants when return.

Moreover, the study stressed the need for cooperation between different countries, and the establishment of joint coordination mechanisms between the various parties, including the government authorities, international organizations and civil society organizations. It called for the adoption of measures to facilitate coordination between ministers, government agencies and local institutions for the exchange of information and cooperation in addressing the problem of migrant children.

The Council recommended that Member States shall strengthen and protect effectively the human rights and fundamental freedoms of all migrants, especially unaccompanied migrant children and adolescents. The Member



States shall address the problem through enhancing international, regional or bilateral cooperation and dialogue and adopt a comprehensive and balanced approach, recognizing roles and responsibilities of transit and destination countries in promoting and protecting the human rights of all migrants, and avoiding an approach that could aggravate their bad conditions.

Furthermore, the Council appealed to Member States to prevent the separation of migrant children and adolescents from their families, and to conduct effective systems to meet with their international obligations and commitments and to give priority to family reunification if the children are unaccompanied or separated from their parents, except this would be for the interests of the child.