**HRC AC unaccompanied migrant children**

**Caritas Bangladesh, October 2015**

**1. General situation**

**1.1 What is the situation of unaccompanied migrant children[[1]](#footnote-1)[1] and adolescents in your country? Please provide available statistics and relevant information.**

**Answer:** Unaccompanied migrant children and adolescents in Bangladesh encounter all kinds of violations including sexual violence, abuse, exploitation and discrimination. They are involved in the worst forms of child labor. Street children are increasing in number day by day on the streets of cities fleeing from southern parts of the country where, drought and floods are overwhelming.

Unaccompanied children and adolescents are marginalized, discriminated against and excluded in mainstream society. Their rights to protection and access to basic rights to education, health, care and development are limited. Once on the street, children, youth and girls are vulnerable and ‘at risk’ to all forms of abuse, exploitation and discrimination. This further endangers their life, physical health and psychological well-being, as well as putting them at risk of being criminalized for petty theft, involvement in commercial sex, and detainment by law enforcement agencies. Poorly educated and unemployed adolescence girl getting trapped in trafficking.

Various findings revealed that teenagers and young girls migrated to India through marriage. Most of the marriages had no witnesses. 38.3 per cent of the girls who migrated to India where they worked in glass bangle factories. The overwhelming majority of those found to be trafficked were adolescent girls below the age of 18 years.

Between 2001 and 2007, about 1,618 children have become victims of trafficking. Of these, 825 were males and 793 females.

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

**Answer:**

**Structural causes**: Structural or root causes are i) economic crisis of Children’s’ or adolescence’s community, ii) Illiteracy ii) Social exclusion, iii)) gender discrimination, v) a weak legal and social protection system, vi) Lack of youth employment in rural areas and perception of the opportunities in the cities, vii) Internal displacement resulting from natural disaster, in particular amongst separated and unaccompanied children, often forces children to migrate in search of safety, work and opportunities, vii) Education is another motive for children to migrate, viii) Through migration, many children hope to increase their human capital by obtaining schooling and skills development, viii) history and culture i.e migration is seen, by both children and parents, as a learning experience and part of the transition to adulthood. It may provide children with opportunities to develop their independence and autonomy, ix) dysfunctional family or stepparents, x) early marriage, xi) fake promise of jobs or marriage by the traffickers, xi) illusion of netter life in the cities, xii) social acceptance of child labor.

**2) Immediate cause**: Poverty and food insecurity of the orphanhood forced into child labor to earn income for their family, i) Low level of education and lack of income play a role in children/adolescence desire to leave home and find a job in urban area/abroad. Lack of awareness Ii) Migration is a way for children to improve their position within the family. ii) Domestic violence force children to leave home and migrate elsewhere in search of a new life.

**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?

**Answer**: There are as many as 20 transit points from districts of Bangladesh bordering India through which children/adolescence are smuggled out of the country. Beanpole border crossing, known as the southwest transit point, is the most-commonly used and the easiest land route to India. In the northern region, the districts of Kurigram, Thakurgaon, Dinajpur, Naogaon, Chapai Nawabganj and Rajshahi and in the South Jessore and Sathkhir are areas through which trafficked child are moved to India. Trafficked to Myanmar and to other destination in South Asia are being smuggled out and gathered in Cox’s Bazar.

The unaccompanied migrated children and adolescence are deprived of family environment. They occupy unhealthy living standards and face several challenges with regard to the enjoyment of the right to adequate housing. High prevalence of disease (water borne) among unaccompanied migrated children living in slums indicates leading unhealthy environment. Those children and adolescence who live and work in factories or work as domestic workers are sometimes confined to the premises of the employer. Transit migrants in irregular conditions are often uncertain about their next move.

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

**Answer:** The key areas where children/adolescence access to their right to protection is challenged in Bangladesh are abuse, exploitation, and the lack of comprehensive system for protecting the rights of Children without paternal care. Physical punishment takes place in the working place. Children in conflict with law sometimes experience physical abuse during arrest and interrogation. Unaccompanied migrated children/adolescences are engaged in hazardous labour and their working environment is unsafe. Employers of children rarely consider the compensation they provide to child worker or their families as the fulfilment of duties to the children, nor do they see the children as rights holder entitled to claim their right to fair treatment and compensation. Child domestic work is particular concern because a large numbers of children involved and risk associated with the work. Almost all child domestic workers live at their employers’ home and work seven days a week. They often face restriction on their mobility and freedom of association. Their vulnerability to sexual abuse is widely recognized in Bangladesh Society and creates a stigma that can damage girls’ reputation and marriage prospects. The stigma encourages salience among victims n which further empower the abuses.

In Bangladesh, education is free, and it is mandatory for children to attend school. However, child labour rarely have access to education. Their right to education is not respected.

Barriers to health care is relates to unaccompanied migrant children’s lack of information on the health issue.Unaccompanied migrated children/indolence who live or work on the street are suffer from abysmal sanitation and hygiene condition, poor health, and limited access to any kind of education.

Adolescences face lack of access to accurate and reliable youth-friendly information on safe migration.

**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.**

Though there is no specific mechanism or procedures in country to ensure that migrant children and adolescents’ views are heard, however, sometimes migrant children and adolescents are interviewed during research/study on Migration issues.

**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?**

**i) Rural Poverty:** Rural Poverty is one of the main drivers for rural to urban migration and it intimately linked to food insecurity. Children reach out migration as a response to poverty. Thus a poor rural background is the context for unaccompanied migrant children’s place of origin.

**ii) Orphanhood**: Linked to poverty and food insecurity is the issue of orphanhood, a problem that affects children in Bangladesh. Children who have lost one or both parents are in a more vulnerable situation and face more risk.

**iii) Step families:** In the case who have lost one parent, family breakdown can cause further problems. When parents separate and one or both parents remarry, the step father or step mother may not accept the child(ren) from previous union. The non acceptance places the child at the risk of suffering violence and abuse.

**Push-Pull Factor:**

**i) Cultural norms and values:** There is a tradition of labour migration in the transition from Childhood to adulthood. For this, Children were urged to migrate in order to enter adulthood and family forced them to leave and migrate to bring a surplus value to the household. Cultural norms and traditions contribute to child being trapped in poverty and, in turn, this increases their vulnerability to abuse and exploitation.

**Pull factors:**

**i) Access to employment and education opportunities:** Children migrate in search of a job opportunity to earn money with the objective of investing it in re-gaining access to education. Thus

**ii) Educational attainment prior to migration:** The lack of money to pay for the direct and indirect cost related to staying at school and many rural areas have only primary school. Therefore children may to have the option to continue their secondary studies unless they migrate.

**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, in many cases the human rights violations are motivated by gender consideration.**

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

As per Bangladesh Labour Act-2006 ‘child’ means a person who has not completed his fourteenth year of age; and ‘adolescent’ means a person who has completed his fourteenth year but has not completed eighteenth year of age.

**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**

**Answer:** In Bangladesh, Children and indolence come to urban areas as they see other people change their livelihood after going to cities. Many NGOS, promotes rural people to come in specially Dhaka cities for livelihood. Job availability and employment opportunities made by Govt. and private sectors attract rural people to migrate. There is no such promotion or restriction of migration in Bangladesh. There is still gap in country’s existing migration policies and laws for protection of migrant children and adolescence need to be identified and addressed.

However different development organisations as well as the government have taken different initiatives to keep track of missing children and to create mass awareness on child safe migration/trafficking through media and other effective methods. Union Parishads have been instructed to keep a register of migrant children. The European Union, along with the Government of Bangladesh, are working together on education, health and nutrition and migration issues related to children.

Some measures implemented to protect the rights of unaccompanied migrant children and adolescents such as i) ensuring the effective implementation of existing laws; ii) creating mass awareness on child safe migration/trafficking through media and other effective methods; iii) collecting data on child migration and trafficking and analyzing them for evidence-based policy making; iv) increasing inter-agency and inter-ministerial coordination to ensure children’s rights and mitigating the risks associated with unsafe migration and promoting and expanding the child migration registration system, etc

**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?**

**Answer:** Lack of more effective and child right based polices, legislative and enforcement systems to ensure a protective environment for every child, lack of awareness on birth registration, Child marriage, lack of initiative for re-integration of trafficked children into family and society. For internal migration, there are no such policies which help unaccompanied migrant children and adolescents to migrate or to create such environment as they can stay in their villages. There is no specific knowledge management system to collect and share up-to date, strategic information on the situation of unaccompanied migrated children and indolence in country.

**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**?

**Answer:** Caritas Bangladesh (CB) maintains linkage with other national networking organizations in the country and participates in various sensitization programmes, campaigns and advocacy programs. CB works together with other national networking organizations to bring about changes in the exiting laws and policies, government measures and interventions to combat unaccompanied child/adolescence migration.

**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.

**Answer:** The effective collaboration between the countries is important to reinforce understanding of the promotion, protection, respect and fulfillment of rights unaccompanied migrant children by sharing good practices across countries and regions. Civil society of the destination countries have to act as consortium to address different right violation issues.

**4. Others:**

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

**Answer:** Caritas Bangladesh (CB) has been working on awareness and education programmes to protect children/adolescence from trafficking in the areas most at risk, particularly those near border regions.

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

Answer: CB organizes workshops/trainings and discussion sessions highlighting trafficking Issues and violence against children and women for catechists of different parishes, producers group, Peoples’ Organizations (POs’) leaders, local Government representatives, school teachers of Caritas children education project and Caritas staff. CB also undertakes community based mobilization campaign i.e courtyard meeting with parents, women, adolescents and youths to create awareness on human trafficking. Through the above activities, the participants gain basic awareness on trafficking impacts along with other societal issues. Besides, with participation of different stake holders (community people, local government representation, journalist, student, teachers, youths, CB staff) CB observes International Human Rights Day, National Girls Child Day through arranging rally, seminar, discussion with an aim to sensitize people on Human Trafficking.

CB under its Human Rights, Justice and Peace Program, which is a joint venture program of Caritas Bangladesh and the Commission for Justice and Peace of the Catholic Bishop’s Conference of Bangladesh (CBCB) works on migrant issues specially for safety, security and possibilities which help migrated people to lead better life as a migrant and opportunities/facilities.

CB publishes leaflet/posters/bill board focusing on safe migration, anti-trafficking, child rights and collects case studies, video films and documents from other organization on migration/human trafficking issues and disseminates those among the community people to increase their awareness.

To reduce the vulnerability of children, adolescent girls from being trafficked, CB provide women trade entrepreneurship training, IGA training, technical skill training, micro-credit program, vocational education program through its different Projects/Programs.

CB takes part to rescue trafficked children and arrange shelter and psychological counseling/therapy including skill development training to the rescued victims by referring them to the organizations having shelter and rehabilitation program.

1. [1] 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-1)