**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.*

**Caritas Latvija, October 2015**

**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.

*In May 2010, the European Commission presented an* [*action plan for unaccompanied minors*](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0213:EN:NOT) *(COM 2010, 213 final), who are regarded as the most exposed and vulnerable victims of migration. This plan aims to set-up a coordinated approach and commits all EU Member States to grant high standards of reception, protection and integration for unaccompanied minors. An unaccompanied minor is a person below the age of 18 who arrives to a EU Member State unaccompanied by an adult responsible for them or a minor who is left unaccompanied after having entered the territory of an EU Member State. Latvia fully subscribes these formal standards.*

*However, numbers of applications of persons considered to be minors (accompanied or unaccompanied) are very low - five persons in 2013. All together asylum application numbers are low in Latvia: in 2014 376 applications of asylum seekers were received (164 from Georgia, 63 from Ukraine, 31 from Syria), 12 of which were recurrent. Most of the applicants seeking asylum were families with children. 3 people received a status of refugees and 21 people – alternative status.*

Source: COM (2010 213 final) [Action plan for unaccompanied minors](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0213:EN:NOT); Eurostat and Office of Citizenship and Migration Affairs, Latvia.

**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)

*Immediate causes*

**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?

*Caritas Latvia does not have experience with unaccompanied migrant children so far.*

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

*NA*

**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.

*NA*

**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?

*NA*

**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?

*NA*

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

*A child is under 18 years of age. A foster family or a guardian should be allocated to an unaccompanied minors. Older adolescents can live in a reception centre.*

**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.

*Very little experience. First refugees from Somalia arrived to Latvia in summer 2006. Two of them were minors whose parents were dead. It was a very complicated situation for Latvian authorities as they did not know how to act and provide support. All kind of support, including documents, legal support, housing, integration etc. was provided by a Christian nongovernmental organisation “Zvannieki, led by Juris Calitis (Dominus Kopiena).” Both children were placed to a local school, learned language and obtained education.*

*A refugee boy, aged 16, from Afghanistan started schooling in Riga in September 2015. Since he has not attended school before, a school in Riga had very little experience how to integrate him into the education system. So far, according to media reports, he received only one hour Latvian language training per day.*

*Source: http://www.dominuskopiena.lv/ddzd/lektori/juris-calitis*

**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 challenges are related to lack of experience.*

**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?

*Due to very little experience in the country the question about migrant children has not appeared yet on the agenda.*

**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.

*NA due to lack of experience in the country as well as in collaboration between countries.*

**4. Others:**

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

*NA. No experience so far.*

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

*NA.*

[Subject line: HRC AC unaccompanied migrant children and adolescents]

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)