**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 Swaziland, 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 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 theircountry’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 Swaziland concerning the accompanied migrant children and adolescents, we have 14 cases registered in Malindza Refugee Reception Centre which are being under the supervision of the Tripartite (UNHCR, Swazi Government & Caritas Swaziland).

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| --- | --- | --- | --- |
| **NATIONALITY** | **MALE** | **FEMALE** | **TOTAL** |
| Burundi | 2 | 0 | 2 |
| Democratic Republic of Congo (DRC) | 6 | 4 | 10 |
| Rwanda | 1 | 1 | 2 |
| **TOTAL** | **9** | **5** | **14** |

**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)

The main cause that force or encourage UCAs into situation of migration is fleeing from wars, persecutions, well-founded fears and being orphans that we classified as immediate causes.

* 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 our experience most of them came following a fleeing group from the Country of Origin to a foreign Country for safety, security and protection. Once they arrived in Swaziland they are legally received without any documentation and accommodated at **Malindza Refugee Reception Centre** and provided with the basic needs (shelter, food, water and sanitation, education and medical assistance) through the Tripartite(UNHCR, Swazi Government & Caritas Swaziland).

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

The right to education may seem violated because in most cases they arrive in the middle of the year which makes it difficult for them to be admitted to the school for the current year. Thus unpurposely violates the right to education.

**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.

Yes, the migrant children and adolescents’ views are expressed through the social workers who monitor them.

**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?

Their main reasons for migration are wars, persecutions, well-founded fears, being orphans in a hostile and violent surroundings and instability. They fear to be hosted in Countries near the Country of origin and always go to a Country which guarantees the respect of human rights.

**2.3**Based on your organization’s experience, do you think the human rights violationsinflicted on unaccompanied migrant children and adolescents are motivated by gender considerations?

No, because the gender is not the case scenario.

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

In Swaziland a child is a minor between the age of 0 to 12, and an adolescent is a minor between the ages of 13 to 18.

**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, as the key person in the life of UCA is the caregiver who is the social welfare officer who makes in a point that the rights of the children are not violated, makes a follow-up and acts as a guardian, liaise with relevant stakeholder.

**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: financial because we can’t intervene alone but we are in a board and we need to coordinate with other stakeholders; economic because Swaziland is a small and a poor Country which faces economic challenges and depends on international assistance; social and cultural because we promote the local integration into our society and the respect of each other.

**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 work closely to the Government in the Tripartite and other international and national stakeholder to assure the respect of human rights, in order for protection (Department of Social and Welfare Office under the Deputy of Prime Minister Office, Ministry of Health, Ministry of Education and other International Organizations as UNICEF).

**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.

We are still work on this challenge.

**4. Others:**

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

We lead the management of the project in the Malindza Refugees Reception Centre with UNHCR and the Swazi Government. We focus our intervene in prevention and response to child abuses, neglect, violence and exploitation to assure them to be safe where they live with legal documentation, meeting their specific needs for durable solutions in their best interest.

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

We provide completely for education and medical assistance, psychosocial support, food, shelter, water and sanitation within the Tripartite (UNHCR, Swazi Government & Caritas Swaziland). We don’t have a school in the Malindza Refugee Reception Centre but we integrate all the children and adolescents in local schools.

[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)