

CD/D RES. 07 (90-R/15)

## Unaccompanied Migrant Children

(Adopted at the fifth plenary session, held on November 25, 2014)

### THE DIRECTING COUNCIL,

#### WHEREAS:

Migration and irregular migration in particular has been increasingly noticeable in recent decades due to a variety of economic, cultural, family-related or other factors, or as a result of actions related to violence, or the search for a better standard of living;

At the core of these causes, among others, is the perceived inequity that persists between States and among regions, which results in migration to States that are believed to offer opportunities for a better life;

The journey and the border crossing in irregular migrations expose children to a number of risks and abuse, both from criminal organizations which can profit from unlawful migration, or occasionally, from the border authorities themselves;

In some cases when migrant children manage to reach their place of destination, their integration is fragile and they can suffer discrimination, a lack of access to services and other violations associated with an absence of documentation and their irregular status;

If repatriated, they return to the initial situation that motivated their decision to migrate, which places them equally at risk and in vulnerable situations if they do not have access to appropriate care and resources;

The stigmatization of migrant persons, as well as the crimes associated with this issue such as migrant smuggling and trafficking in persons, and human rights threats and abuses, are factors that require special attention of the States in the region;

#### RECALLING:

The resolutions adopted by the General Assembly of the OAS on issues of migration and human rights, including: AG/RES. 2502 (XXXIX-O/09), AG/RES. 2593 (XL-O/10), AG/RES. 2669 (XLI-O/11), AG/RES. 2608 (XL-O/10), AG/RES. 2729 (XLII-O/12), AG/RES. 2738 (XLII-O/12); AG/RES. 2790 (XLIII-O/13), and Declaration AG/DEC. 74 (XLIV-O/14);

### **RECALLING ALSO:**

The “Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families” AG/RES. 2141 (XXXV-O/05), in which the IIN appears as one of the programme’s stakeholders and, among its specific activities, is entrusted with, “including in its activities the special situation of unaccompanied migrant children” and “...the protection of juvenile victims of trafficking in persons”;

The actions carried out by the IIN in the context of the project on the Promotion and Protection of the Rights of Unaccompanied Migrant Children;

### **BEARING IN MIND THAT:**

Articles 35, 36 of the Convention on the Rights of the Child compel States Parties to take action to prevent the abduction of, the sale of or traffic in children and to protect the child against all other forms of exploitation;

Advisory opinion OC-21/14 “Rights and Guarantees of Children in the context of Migration and/or in need of International Protection” issued by the Inter-American Court of Human Rights in August 2014 provides guidance for the work of the States of the region in the field of the protection of the human rights of migrant children;

This Advisory Opinion addresses, inter alia: applicable due process guarantees in migration processes that involve children; the principle of the non-deprivation of liberty of children on account of their irregular migration status and the principle of non-refoulement; the basic conditions of the accommodation provided for migrant children and the duties of the States in relation to custody arising from migration; and procedures to safeguard the right of children to seek and receive asylum, with a special focus on the States’ obligations in these issues;

### **NOTING:**

The discussions and conclusions arising from the Panel on Unaccompanied Migrant Children which took place at the 90th Regular Meeting of the Directing Council of the IIN;

### **ALSO CONSIDERING:**

That it is of paramount importance that all of the States in the region, particularly those which, as States of origin, transit or destination are more deeply involved in the issue, should continue to work towards improving their systems for migration and the protection of child rights, within the framework of international law and human rights,

**RESOLVES:**

1. To acknowledge the importance of continuing to take a human rights-based approach, with a view to achieving greater protection of the human rights of migrant children in any situation or condition, with a particular focus on those types of migration which, because of their nature, create greater vulnerability for children.
2. To invite the States of the region which, as originating, transit or destination States, face the migratory flow of underage persons, especially those who are unaccompanied or have been separated from their families, to strengthen their systems in order to protect the rights of migrant children.
3. Also to invite them to develop joint actions that will lead to dealing with the subject in improved ways, considering that coordinated work between countries of origin and countries of destination is an effective way to help address this problem.
4. To instruct the Director General of the IIN to render technical assistance to States that should require it, in the context of its Action Plan 2015-2019, particularly in the identification of best practices in the region and the implementation of horizontal technical cooperation.
5. To request the Director General of the IIN to coordinate its actions in this area with the Special Committee on Migration Issues, of the Inter-American Council for Integral Development of the Organization of American States, with the purpose of mutually strengthening of their capacities and to avoid the duplication of efforts.
6. To request the Director General of the IIN to continue working with academia and civil society, on disseminating and following-up on Advisory Opinion OC-21/14 “Rights and Guarantees of Children in the context of Migration and/or in need of International Protection”, issued by the Inter-American Court of Human Rights in August 2014.