**Outline and Principles for a Possible Regional Mechanism for the**

**Comprehensive Protection of**

**Migrant Boys, Girls and Adolescents[[1]](#footnote-1)**

I. Introduction

II. Generalities:

Member States of RCM have developed the above-mentioned mechanism as a guiding tool for the comprehensive protection of migrant boys, girls and adolescents in countries of origin, transit, destination and return.

The contents of this mechanism do not affect the rights, obligations, and responsibilities of each country and of each person according to international law, including international humanitarian law, international human rights regulations and, particularly, the right to be granted refugee status and protection against non-refoulement, when applicable, in compliance with the 1951 Convention on the Status of Refugees and its 1967 Protocol or applicable relevant national legislation on the matter.

III. Objective:

The purpose of the “Regional Mechanism for the Comprehensive Protection of Migrant Boys, Girls and Adolescents” is to promote collaboration between Member States of RCM in providing protection and assistance to migrant boys, girls and adolescents and to serve as a guide, from the moment of the identification of a migrant boy, girl or adolescent until the integration or reintegration, always safeguarding their rights and their best interest.

IV. Definitions:

Boy or Girl: The Convention on the Rights of the Child defines boys and girls as “[…] every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” (Article 1)

Adolescent: For purposes of this Mechanism, adolescents will be defined as every human being above the age of twelve years and below the age of eighteen years, and shall be applied only for the purpose of differentiation in regard to protection.

Migrant: This term applies to individuals and their families that travel to another country or region with the aim of improving their social and material conditions and their prospects and those of their families.

Unaccompanied Boy, Girl or Adolescent: A boy, girl or adolescent that is separated from both parents and other relatives and that is not accompanied by an adult that, by law or custom, is the guardian of the boy, girl or adolescent.[[2]](#footnote-2)

Separated Boy, Girl or Adolescent: Separated from both parents or legal or regular guardians but no necessarily from other relatives[[3]](#footnote-3).

Refugee Boy, Girl or Adolescent: Boys, girls and adolescents that fulfil the requirements to be granted refugee status, in accordance with the 1951 Convention on the Status of Refugees and its 1967 Protocol as well as relevant legislation in each country.

V. International Standards

Non-discrimination

The Child’s Best Interest

Development

Family Unit

Effective access to protection procedures

Participation

Confidentiality

Not being subject to financial exploitation

The right to express an opinion

Assuming that they are under the legal age

Non-refoulement

VI. Protection Actions Before Departure

1. Identifying vulnerabilities
   1. Boys, girls and adolescents on the streets
   2. Boys, girls and adolescents victims of trafficking
   3. Boys, girls and adolescents subject to child labour and victims of the worst forms of child labour
   4. Boys, girls and adolescents that stay behind
   5. Boys, girls and adolescents in situations that place their lives and physical integrity and liberty at risk
2. Referral to State Institutions
3. Protection Actions in Reception and Immediate Assistance Processes
4. Initial detection
   1. Non-refoulement
   2. Identification of profiles

Upon identification of a migrant boy, girl or adolescent by a government authority in the country, identifying if the boy, girl or adolescent is accompanied, unaccompanied or separated should be a priority.

* + 1. Unaccompanied boy, girl or adolescent: verifying identity, verifying nationality, and locating families (coordination between consulates and child protection institutes).
    2. Boy, girl or adolescent with family members: verifying family ties, identifying risks and needs.
  1. Registration: Registration and documentation processes should be completed as soon as possible. An interview should be held, taking into account the age and gender, in a language that is appropriate, in order to confirm the identity of the boy, girl or adolescent, including the identity of both parents and nationality. For unaccompanied boys, girls and adolescents, the interview should explore the reasons why the boy, girl or adolescent is separated or unaccompanied and in addition, vulnerabilities should be identified.
  2. Verification through systems to search for missing boys, girls and adolescents.
  3. Immediate needs.
  4. Determining the Child’s Best Interest (returning to the country of origin, local integration, resettlement).
  5. Designating a legal guardian: To ensure protection of the unaccompanied boy, girl or adolescent, a guardian should be designated as soon as the boy, girl or adolescents has been identified as such.
  6. Locating family members: For unaccompanied boys, girls and adolescents, family members should be located as soon as possible through the consulate, except for those boys, girls and adolescents that have a well-founded fear of persecution which requires activating procedures to determine refugee status. In this case, it should be established if locating family members would be appropriate or not in order to ensure the protection of the Child’s Best Interest. Furthermore, respecting the principle of confidentiality the consulate shall not be informed about the nationality of the boy, girl or adolescent, his or her presence in the country and his or her request for asylum.

1. Protection Actions in Return Processes

A mechanism by RCM already exists for this process. Two alternatives: including a reference in this section or updating the document.

1. Protection Actions in Integration Processes
2. Specialized temporary shelter (not detention)
3. Seeking a foster family or a specialized permanent shelter
4. Appropriate documents
5. Access to administrative and judicial protection procedures
6. Accompaniment by a guardian
7. Access to education (validation of education)
8. Access to health care
9. Access to means of living and comprehensive development
10. Providing protection and combating discrimination and xenophobia
11. Protection Actions in Reception and Reintegration Processes
12. Registration
13. Immediate needs
14. Designating a legal guardian
15. Locating the family
16. Etc.
17. Protection Route Diagram

1. Based on the Guidelines for the Protection of Unaccompanied Migrant Boys, Girls and Adolescents. 2011, IOM. [↑](#footnote-ref-1)
2. Committee on the Rights of the Child: *General Comment No. 6 (2005): Treatment of unaccompanied and separated children outside their country of origin.* 39th Session Period, CRC/GC/2005/6, September 1, 2005, Paragraph 7. [↑](#footnote-ref-2)
3. Ibid, Paragraph 8. [↑](#footnote-ref-3)