



**INTERNATIONAL CIVIL AVIATION ORGANIZATION**

*A United Nations Specialized Agency*

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## **Unaccompanied Minors: An Emerging Issue**

**26 February 2014**

# UNACCOMPANIED MINORS: AN EMERGING ISSUE – OVERVIEW



1. Meaning of “Unaccompanied Minor”
2. Reasons & Dangers: Minors travelling alone
3. UM: Existing (IATA) procedures
4. Treaties relevant to UM issue (examples)
5. Studies/work relevant to UM issue (examples)
6. Annex 9 & Unaccompanied Minors

# 1. MEANING OF ‘UNACCOMPANIED MINOR’



## Meaning of “unaccompanied minor”

“... A child or infant travelling alone or with the Member’s escort.”

## IATA Recommended Practice 1753

“... A child under the age of sixteen travelling alone or travelling only in the company of another child aged less than sixteen.”

## IATA/CAWG: Recommended Best Practice for Minors (17 May 2007)

# 1. MEANING OF ‘UNACCOMPANIED MINOR’



## Meaning of “minor”

*Convention on the Rights of the Child, Article 1:* For the purposes of the Convention, a “child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

*UN Protocol on Trafficking in Persons, Especially Women & Children:* “Child” shall mean any person under eighteen years of age

# 1. MEANING OF 'UNACCOMPANIED MINOR'



Groups of minors travelling alone: 3 categories

- a) Unaccompanied Minors (UM): 5-12; obligatory per IATA to travel with airline's assistance; registered and known to crew
- b) Young passengers (YP): 12-18; believed to manage on own; not registered
- c) Minors Third Party (MTP): minors accompanied during their journey by a third party that is not a parent/guardian; not registered.

## 2. REASONS & DANGERS



### Reasons why minors travel alone

- Vacation or family visit
- Schooling
- Immigration
- Runaways/stowaways
- Work
- Fleeing repression/disasters/wars/violence
- Re-unification with family members . . . Etc.

## 2. REASONS & DANGERS



### Dangers faced by minors travelling alone

- Human trafficking
- Robbed/cheated
- Kidnapped
- Abuse
- Life-threatening situations
- Deprivation of food/water
- Vulnerable to exploitation . . . . etc.

# 3. EXISTING (IATA) PROCEDURES



## IATA Recommended Practice 1753: Interline Handling Procedure for Unaccompanied Minors

- Procedures apply to carriage of UM < 12 & at request of parent/guardian to UM > 12
- Member airline responsible for the safe delivery of UM to the receiving carrier at the transfer station.
- Proper release of UM to the receiving party
- UM form: Attachment A
- Label/tag for UM: Attachment B



# 3. EXISTING (IATA) PROCEDURES



## IATA/CAWG: Recommended Best Practice for Minors

- Airline definition of minor: 12 [determines **fare structures**]
- For purposes of guidelines: < 16

**Benefits of implementing guidelines:** increased awareness, enhanced safety & security, closer cooperation

Definitions: minor, unaccompanied minor, accompanying person

# 3. EXISTING (IATA) PROCEDURES



## IATA/CAWG Best Practice Recommendations

### Action by control authorities (e.g.)

- Comply with Standard 3.15 (Annex 9)
- Provide point of contact re. minors
- Train front line staff
- Enact national legislation re. parental permission

### Action by airlines (e.g.)

- Comply with IATA's R.P. 1753
- Record parent's details on PNR
- Establish clear procedures for handling UM

## 4. RELEVANT TREATIES



### UN Protocol on Trafficking in Persons Especially Women & Children

- The purposes of the Protocol . . . To prevent and combat trafficking in persons, paying particular attention to women and children
- *Article 11, Border measures:* measures to include requiring carriers to ascertain that passengers are in possession of the travel documents required for entry into the receiving State [► Standard 3.33, Annex 9]
- *Security and control of documents*

## 4. RELEVANT TREATIES



### Convention on the Rights of the Child

Article 22: 1. States Parties to take measures to ensure that a child who is seeking refugee status or who is considered a refugee shall (whether **unaccompanied** or accompanied by his or her parents or by any other person) receive appropriate protection and humanitarian assistance.

Article 35: “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”

## 5. RELEVANT WORK



- Study at Brussels airport: 20,000 UM arrive each year
- Large number are “MTP” category: not unlikely they become victims of crime
- Raise compulsory assistance minimum age when minor travelling alone from 12 - 14?
- No existing global binding measures to protect minors travelling alone.
- Need to harmonize different procedures followed by different airlines
- Uniform registration? Mandatory parental permission?

## 5. RELEVANT WORK



- *“The Rise in Unaccompanied Minors: A Global, Humanitarian Crisis”* (Center for Migration Studies)
  - **UNICEF, IOM, UNHCR**: increasing number of unaccompanied children in migration & their particular vulnerability
  - “Government officials often treat migrant children as migrants first and children second. As a result, many are denied the status-binding protections provided by international law.”

## 5. RELEVANT WORK



- Dec 2013: ECAC questionnaire on UM
- Establish what practices presently exist in ECAC and Airlines with regards to minors
- Draft best practices on accompanied and unaccompanied minors
- Contribute to Annex 9

## 6. ANNEX 9 & UM



3.15 Contracting States shall issue a separate passport to each person, regardless of age.

3.76 Recommended Practice.— In **emergency situations** resulting from force majeure, Contracting States, aircraft operators and airport operators should give **priority assistance** to those passengers with medical needs, **unaccompanied minors** and persons with disabilities who have already commenced their journeys. (*Emergency assistance/entry visas in cases of force majeure*)

→ **NEXT?**

→ **YOUR INPUT!**



# REFERENCES



<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

→ Convention on the Rights of the Child

<http://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuside>

→ UNODC: Human Trafficking Instruments

<http://cmsny.org/2012/10/15/the-rise-in-unaccompanied-minors-a-global-humanitarian-crisis/>

→ Center for Migration Studies

# UNACCOMPANIED MINORS



QUESTIONS?