

TWICE TRAUMATIZED: ASSESSING THE UNACCOMPANIED REFUGEE CHILD'S RIGHTS TO FAMILY UNITY AND REUNIFICATION

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ABSTRACT

The refugee child's rights to family unity and reunion are fundamental and are enshrined in various international human rights instruments. However, despite the noble commitment of states to the preservation of the family as the 'fundamental unit of society' and protection of the child's need to grow within this unit, these ideals have generally not been within the reach of the refugee family. This article critically analyses the right to family life under international law in the context of family unity and family reunification. It also analyses the legal obligations of states and the role of specialized agencies, particularly the International Committee of the Red Cross (ICRC) and the United Nations Higher Commissioner for Refugees (UNHCR). It is shown that whereas the CRC provides for the refugee child's right to reunification with his or her family, as does other human rights and humanitarian law instruments—both international and regional—the refugee child has hardly benefitted from this framework.