



NEWSLETTER No. 31

Spring 2009

In this issue:

- p. 1 Programme update
- p. 3 European Union
- p. 8 Committee on the Rights of the Child
- p. 10 Changes and developments in law, policies and practice
- p. 14 Detention
- p. 16 Age assessment
- p. 19 Guardianship
- p. 22 Reception
- p. 28 Missing children
- p. 29 Dublin II practice
- p. 30 Procedures and recognition
- p. 33 Family tracing and reunification
- p. 34 Return
- p. 37 Trafficking
- p. 40 Children and youth participation
- p. 40 Miscellaneous
- p. 41 Events
- p. 44 Publications
- p. 46 Useful web sites
- p. 47 Reporting organisations
- p. 48 Statistics on arrivals of separated children seeking asylum

The content has been prepared from publicly available sources and information provided by the participants of the Separated Children in Europe Programme's NGO Network and UNHCR.



With financial support from EC Daphne III

SCEP Programme Update

New Strategic Plan and Structure

Based on findings and recommendations in an external review undertaken in 2007, the SCEP in 2008 carried out a thorough and democratic process to revise and strengthen its strategic plan, structure and working modalities.

A final strategic plan for 2009-20013 together with framework documents for the future structure were approved by the Steering Committee at a meeting in November 2008.

The strategic plan has been elaborated in order to develop the SCEP NGO Network as a key European platform in the protection and promotion of the rights of separated children. The new strategic plan is focused introducing a change agenda with 6 main objectives, identified by the NGOs, aiming at achieving long term and sustainable changes for separated children. The 6 focus areas are: Age assessment, guardianship, detention, Dublin II, return and trafficking.

The framework structure has been developed to sustain the strategy introducing membership and membership fee at two levels, member or associate member, stating mutual commitments and requirements between the NGOs and the programme management, also introducing thematic groups according to the 6 main objectives as well as an EU reference group and ad hoc work groups. Also efforts will be made to develop ways to bring in the views of the separated children and encourage their meaningful participation.

The implementation of the strategic plan and new structure started in January 2009.

The strategic plan together with relevant documents on the structure and membership will be available on SCEP's web site by the end of the summer 2009.

3 of the planned 6 thematic work groups have been established, addressing the issues of age assessment, guardianship and return.

NGO network meeting and seminar in Oslo 2008

On October 29-30 the SCEP NGO Network met in Oslo.

The meeting contained a capacity building workshop on interaction between EU and national legislation and policies, and how to advocate at national and EU level in relation to SCEP.

A follow up on the strategic development was held with a discussion about membership criteria, memorandum of Understanding, fees, terms of reference for thematic groups.

On October 30 an open seminar was held on 'UN Convention on the Rights of the Child (CRC) mainstreaming in the protection and care of separated children in Europe'. At the seminar Hilde Lidén from Institute for Social Research in Oslo gave a presentation of the CRC as a relevant and effective tool for the protection of separated children. NGOs from Norway, Italy, Czech Republic, Sweden, Poland and Greece gave a national presentation on the situation in the country. Louise King from Save the Children UK gave a presentation about The Universal Periodic Review to ensure implementation of the CRC, and told about the experiences from the UK. The last presentation was by Rebecca O'Donnell from Save the Children Brussels Office about the EU trends and challenges in relation to CRC mainstreaming in protection and care of separated children. A report from the seminar is available at www.separated-children-europe-programme.org/separated_children/publications/reports/index.html

NGO network meeting in Prague 2009

On April 27-29 the SCEP NGO Network met in Prague. The meeting addressed the revision of Statement of Good Practice, EU policy developments & issues, Dublin II practice, future possibilities for and cooperation with the SCEP Youth. Also the thematic groups had the possibility to meet and information was exchanged between the groups.

Revision of the Statement of Good Practice

In September planning of the revision started, identifying the scope of the tasks involved and drafting of a work plan for the process from September 2008 till the summer 2009. The scope of the revision was also consulted with the NGO

Network and a work group with participation of 4 NGOs was established in November. The work progresses according to the plan.

When the revision work is finalized, SCEP will invite separated youth representatives to participate in the elaboration of a child friendly version of the Statement of Good Practice that can inform separated children about their rights.

Daphne II project on Networking with Youth to Combat Violence against Separated Children

This project, implemented from February 2007 till February 2009, aimed to strengthen youth participation in preventing violence against young migrants and asylum seekers by 1) supporting a European forum of separated youth and 2) raising awareness about the importance and value of youth participation by exchanging good practice.

The project mapped and researched the SCEP NGO Network's experience with youth participation and existing organised groups of separated children and youth across Europe. The findings were used as base for capacity building of the NGOs regarding child participation and good practice exchange as well as starting point for outreach to separated youth throughout Europe.

With support of information materials to NGOs and separated youth, NGOs and project staff got in contact with interested separated youth in 12 European countries who participated in a 3-day workshop. During the workshop the youth were informed about children's rights and afterwards addressed issues concerning violations of the rights of separated children, bringing in their own experiences, and how they wanted to address them together by forming a European network and hold an interactive exhibition in Brussels.

After the workshop, the youth and project staff communicated via a restricted web forum and each of the youngsters prepared their contribution to the exhibition in the form of photos, songs, paintings, tableaux, games etc. to support their messages.

The exhibition took place in December 2008 and was opened by MEP Ms Weber who also had the opportunity to meet with the youth and discuss their issues. The exhibition was visited by guests from the EC institutions, IGOs, NGOs and the wider public, and all guests engaged in talks with the youth about the messages they presented and the general situation for separated children in Europe.

The youth involved in the project found that they had common issues of concern that they wanted to address and that they, through meeting in this way, were able to raise awareness and were highly

motivated to take part as well as continue. They also felt that they each individually learned a lot, were respected and listened to, became very motivated and were able to accomplish things they had not envisaged.

The project was from the start guided by an advisory board with participation of three youth who had arrived to Europe as separated children.

All reports and an external evaluation report are available at

www.separated-children-europe-programme.org.

Annual report

An annual report for 2007 was published in 2008.

The report gives short information about the program and the activities in the year.

An annual report from 2008 will be published by late summer 2009.

www.separated-children-europe-programme.org/separated_children/publications/reports/index.html

Funding from EC Daphne III

SCEP received an operating grant from the EC Daphne fund for operating costs in 2008 and has also been approved for an operating grant for 2009.

Updated contact information

for the SCEP Programme management, Steering Committee, NGO Network and UNHCR Focal Points is available at

www.separated-children-europe-programme.org/separated_children/about_us/contacts/index.html

European Union

French Presidency conference on asylum in Paris

On September 8 and 9 2008, the French EU Presidency hosted a ministerial meeting in Paris addressing "Building a Europe of Asylum". The meeting was intended to lay the basis for the second phase of the Common European Asylum System (CEAS) and to provide for an exchange between the EU Institutions, Member States, UNHCR and civil society on the issue.

In relation to children, the European Commissioner for Justice, Freedom and Security Jacques Barrot noted that the Commission plans to introduce "more explicit procedural safeguards surrounding detention. Detention must be duly justified in accordance with fundamental rights and resorted to only when less coercive measures are not feasible.

In my view, detention of minors should be prohibited, except where necessary to protect the child's interests". He also noted the need to guarantee "that the special needs of the vulnerable, such as children, women, victims of torture or applicants with medical needs are identified immediately that suitable care is made available." In the context of the Dublin II Regulation, the Commissioner noted its plan to ease "restrictions on family reunification, especially for minors".

Save the Children Brussels Office has been actively consulting with the Commission on its revisions of the EU asylum instruments.

Council agrees on immigration and asylum pact

On September 25 2008, Justice and Home Affairs ministers from the 27 EU Member States have agreed on the European Pact on Immigration and Asylum which was initiated by the French Presidency. The Pact focuses on five main principles, namely organising legal migration, controlling irregular immigration, reinforcing border control, creating comprehensive partnerships with countries of origin and building a Europe of asylum. The European Council formally adopted the European Pact on Immigration and Asylum on October 16. As explained in the Presidency Conclusions, the Pact will "form the basis [...] of a common immigration and asylum policy, guided by a spirit of solidarity between Member States and cooperation with third countries".

LIBE report on Fundamental Rights

The committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament has prepared its own initiative report of Mr Catania MEP on the situation of the fundamental rights in the EU for the period of 2004-2007.

Save the Children and Human Rights Watch submitted jointly developed comments on asylum and migrant children to the first draft report. Many of these have been incorporated into a second draft report published early September. The final version was put to vote on 13 November.

Public consultation launched on area of Justice, Freedom and Security

Jacques Barrot, Vice-President of the European Commission has launched a public consultation on the future of the area of justice, freedom and security on 25 September. Citizens, organisations and public authorities were asked to respond to a questionnaire. 35 questions are asked related to the area of freedom, security and justice and are to be answered with 'yes', 'no', or 'no opinion'. The results

will contribute to the discussions on EU priorities for the period 2010-2014.

Save the Children's draft proposal for the EU Child Rights Strategy

In preparation for the EU Issue Paper, Save the Children submitted its proposed vision of an EU Strategy on the Rights of the Child to the Commission at the end of October.

In follow-up to the 2006 Communication, 'Towards an EU strategy on the Rights of the Child', the Commission will prepare an Issue Paper outlining its main priorities for the next work programme (2010-2014). This Paper was launched at the EU Forum on the Rights of the Child on 9 December. Subsequent to its launch, it was open to comment for a period of four months. Save the Children hopes that the results of this consultation, including the comments from children themselves, will feed in to the drafting of the EU Strategy on the Rights of the Child next year.

Commission's report on the Family Reunification Directive

On October 8 2008, the Commission adopted a Report on the application of Directive 2003/86 on the right to family reunification that puts forward an analysis of national legislation implementing the Directive. The main conclusion of the report is that, overall the Directive has been transposed satisfactorily in the majority of Member States.

There are, however, certain issues that have not been transposed or applied correctly, such as the provisions on visa facilitation, granting autonomous residence permits, taking into account the best interests of the child, legal redress and more favourable provisions for the family reunification of refugees. Therefore, in 2009 the necessary procedural steps for noncompliance will be launched, especially in cases where there are differences in interpretation of Community law between the Member States and the European Commission. Moreover, the Report concludes that the Directive had a limited impact on harmonisation in the field of family reunification. It even resulted in lowering of some standards, especially regarding the possible waiting period, the minimum age of the sponsor, the income requirement and the possible integration measures. As a consequence, the Commission intends to launch a wider consultation - in the form of a Green Paper - on the future of the family reunification regime.

Revision of the Framework Decision on trafficking

Save the Children contributed comments regarding the revision of the EU Council Framework Decision on combating trafficking in human beings that is currently being undertaken by the European Commission. Save the Children also participated in consultation process with the Commission on October 7 and is of opinion that the Commission should ensure that its revised Framework Decision recognises and reinforces the general rights of children by ensuring that trafficked children benefit from the full range of child rights and child protection measures, while at the same time identifying those specific measures which are necessitated by virtue of the children's situation as trafficked. Alongside revising the Framework Decision, the EU should adopt measures addressing more fully the migration status of trafficked persons of third country origin. EU should also explore whether it needs to put in place an EU measure addressing the common rights and needs of all separated or unaccompanied children outside their country of origin (including trafficked children). This should also help to safeguard against the risk of trafficking, although obviously it would not address the needs of all trafficked children, some of whom travel with their families.

As regards the specific contents of a revised Framework Decision, Save the Children recommends a range of provisions, including: an obligation on Member States to develop indicators as a practical tool, the inclusion of strong non punishment and non detention clause for trafficked persons, the revision of the penalty clause to identify any trafficking offence relating to children as warranting certain minimum penalties, the inclusion of an article setting out the general principles which must guide all actions as regards children under the revised Framework Decision and in particular the best interests' clause and a requirement that the due account be taken of the views of the child, the inclusion of detailed provisions on identification and assistance of trafficked children and children at risk of trafficking, the inclusion of special protective measures for children in relation to proceedings against traffickers and provisions squarely addressing measures to prevent of trafficking, prevention being better than any "cure".

On March 25, the European Commission adopted a proposal for a new Framework Decision on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision 2002/629/JHA.

Commission's evaluation report on implementation of EU anti-trafficking action plan

Based on Member States' responses to the European Commission Questionnaires, the Commission has published a paper which overviews anti-trafficking measures in the EU area and Norway both at Member State level as well as by EU bodies. It also provides indications for future anti-trafficking measures.

The Commission working document "Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings" concludes that, despite a "dynamic process of approximation of legislation in the Member States in the field of both criminal law and victim assistance" there is a "serious gap between the legislation in force and actual implementation". The Commission notes that "in the field of victim assistances and protection, in particular, a critical lack of effective implementation must be underlined." It notes that the Commission is considering revising the Framework Decision on trafficking, also with a view to more effective victims' support mechanisms."

The Commission proposes "concentrating efforts in the short term on a few key actions, which have been identified taking into account the weak points" and notes that "a new strategy will be set up on the basis of the results achieved by the end of 2009". The areas for short term action include "to establish or strengthen child protection measures aimed at exploring whether there are reasons to suspect that trafficking has occurred in any case in which a child is exploited in prostitution, the sex industry, labour, begging, illicit activities or any form of exploitation".

Revision of the Dublin II Regulation and the EU Reception Directive

Having participated in the consultations on the Commission Green Paper on the Future of the Common European Asylum System, Save the Children Europe Group has published two papers providing suggestions for the revision of the Dublin II Regulation and the EU Reception Directive. These are now available on our website www.savethechildren.net/alliance/europegroup/eur_opegrp_who.html.

Proposed amendments of the Reception Conditions Directive and the Dublin II Regulation

The European Commission's new proposals proposing changes to the Reception Conditions Directive and the Dublin II Regulation were adopted on December 3.

Both bring improvements as regards the treatment of children, including the very welcome proposal to prohibit the detention of unaccompanied minor asylum seekers.

Save the Children Brussels Office, which has been actively engaged in the consultations with the European Commission on the revision of the two Directives and has submitted its comments welcomes these developments and will continue its campaign for to improve EU rules on reception and Dublin II procedures as the proposals proceed through a co-decision procedure within the Council and the European Parliament.

The recognition of the rights of asylum seeking children under the amendments proposed by the Commission to the Reception Directive and the Dublin II Regulation marks an improvement to the existing situation in a variety of ways and takes on board a number of the submissions made by Save the Children. For example, under both proposals:

- the UN CRC and the Charter of Fundamental Rights is referenced;
- a definition of minor is included and the definition of family members is extended;
- there is clearer recognition of the principle of family unity;
- detention of unaccompanied minors is prohibited and detention of other minors can take place only if it is in their best interests; and
- there is a general provision on the overarching considerations to be taken action in actions concerning children, including a list of factors to be taken into consideration as regards best interests, as well as a recognition of the right to be heard.

Furthermore, in the Dublin II Regulation, the Member State responsible for determining the claims of unaccompanied minors is identified by reference to the Member States in which family members or relatives are legally present, or absent family members or relatives, the Member State in which the unaccompanied minor has most recently made an asylum application, provided that this is in the child's best interests in each case. This clearly improves on the current system where in the absence of a family member (defined more narrowly), an unaccompanied minor may be returned to the Member State where it first made an application (which often led to transfers to border

States) without any reference to best interests at all (and sometimes to a place where there was not a proper child protection system in place, such as Greece).

Under Dublin II, there is also the welcome recognition that the situation of children should be indissociable from that of its parent or guardian but only provided that this is in the child's best interest. In the Reception Directive proposals, again as examples, there is a significant improvement in relation to access to health and education services, the screening of special needs generally, an obligation to establish family tracing procedures in the case of unaccompanied minors and improvement of the situation of families through the general provisions on assistance and accommodation.

However, Save the Children does see a need for further amendments to ensure the rights of children are properly achieved. In particular, it believes that Member States should be obliged to establish a formal procedure under Dublin II to ensure that a comprehensive best interests assessment into the individual circumstances of children is carried out.

Moreover, under both instruments, another key EU objective should be to ensure that the role and qualifications of a guardian to an unaccompanied or separated child should be properly set out. The disparities between Member State systems lead to enormous differences in the child protection environment for such children.

In relation to unaccompanied or separated children, Save the Children continues to call on the EU to explore the need for horizontal EU measures to secure the rights of all separated children and to guarantee access to the asylum process for such children.

LIBE Committee reports on the Commission's Proposals for revisions of the Dublin II and Eurodac Regulations and the Reception Directive. LIBE is also drafting a report on the proposal for a European Asylum Support Office

In March, the LIBE Committee published draft reports on the first package of Commission proposals for revisions in the field of EU asylum rules, namely Dublin II and Eurodac Regulations and the Reception Directive. Save the Children has published its comments on the Commission's Dublin II and Reception Proposals, welcoming the significant improvements in relation to the recognition of children's rights and urging the European Parliament and the Member States to preserve these improvements. Save the Children also highlights the need for a few further

improvements in key areas, including the provisions relating to guardians for separated and unaccompanied children. Save the Children previously published detailed submissions in relation to the potential contents of the revised instruments.

The EU Returns Directive formally adopted

On December 9 2008, the Council of the EU adopted the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals (Returns Directive). The Directive has to be transposed into national law of EU Member States by 24 December 2010. This period is 12 months longer for Article 13(4) on legal assistance and/or representation.

The purpose of the Directive is to establish common rules for the return of third-country nationals staying illegally on the territory of a Member State. Save the Children was involved in the process leading to the adoption of the Directive and published several documents in relation to it. While the overarching obligation in the Directive for Member States to take due account of the best interests of the child is a positive development, Save the Children has pointed out that the Directive provides only limited guidance on what safeguards are essential to the return of both families with children and unaccompanied (or separated) children in a manner which respects international human rights law.

For example, the Directive does not outline a procedure to establish the best interests of the child before return and consequently there is no safeguard that a proper risk and security assessment take place. Furthermore, under the Directive, unaccompanied children may be returned to third countries, even if they have no parent or guardian there, as long as there are "adequate reception facilities". Given that the Directive does not provide further definition of this term, it is unclear what it entails. The Returns Directive also allows for detention of families with children and unaccompanied children as a measure of last resort and for the shortest possible period. Save the Children is of opinion that, as a general rule, children should not be held in detention for administrative reasons. In addition, the detention period which could according to the Directive last for up to 18 months is excessive and disproportionate.

Save the Children also notes that a significant number of unaccompanied children may not benefit from Directive's safeguards at all, as the Directive permits Member States to completely deny these

safeguards to those who have irregularly crossed the border, which is often the case with unaccompanied children.

Commission proposed setting up a European Asylum Support Office

On February 18 the European Commission adopted a proposal for a Regulation to establish a European Asylum Support Office. Setting up of such an Office was requested by the European Council when adopting the European Pact on Immigration and Asylum in October last year.

The Office that is supposed to be established in one of the EU Member States by 2010 will "facilitate, coordinate and improve cooperation on asylum matters between the EU countries". It will "assist the governments in comparing good practices and organising training at EU level in order to develop a more consistent and transparent asylum policy in the EU". In addition, it will "provide scientific and technical assistance in cooperation with national authorities and the UN High Commissioner for Refugees" and will help to "increase practical cooperation on asylum matters between EU and third countries". The management board, the Office's governing body, will include the representatives of the EU Member States and the Commission, while the dialogue with the civil society organisation will be in the form of a Consultative Forum.

The proposal for setting up of a European Asylum Support Office was supported by the Justice and Home Affairs Council on February 26. The Council also asked the relevant Council bodies to continue the work on the proposal as quickly as possible.

In view of the Council's meeting, the European Council on Refugees and Exiles (ECRE) network of 69 refugee-assisting NGOs, published a memorandum. While generally welcoming the creation of the Office, ECRE emphasised that, inter alia, it needs to have enough resources and be founded on the principles of transparency and democratic accountability.

Parliament debates on the worrying situation on Lampedusa

Following the Council and Commission statements on the worrying situation in the immigrants' detention centre in the islands of Mayotte and Lampedusa, the European Parliament discussed the issue during its plenary session on 3 February.

Save the Children Italy expressed its concerns regarding the reception and protection of children in the reception centre on Lampedusa in its Monitoring Report - Reception and Protection of

Children's Rights in the Lampedusa Centre. The report is an outcome of activities conducted in the Lampedusa centre as part of the Praesidium project. Save the Children Italy has been involved in this project since May 2008 together with the Italian Red Cross, IOM, UNHCR, and in agreement with the Ministry of the Interior.

The majority of the 2,646 children arriving to Lampedusa in 2008 were unaccompanied. Among those who arrived between May and December 2008, 1,902 were unaccompanied and 299 accompanied. Until 21 January 2009 81 children more arrived. The largest number of children comes from Egypt (25%), Eritrea (15%), Nigeria (13%), Palestine (11%) and Somalia (9%). While the majority are between 16 and 17 years old, some are even as young as 13 or 14 years.

Commissioner Barrot visits centres for migrants in Lampedusa and Malta

Jacques Barrot, European Commissioner for Justice, Freedom and Security and Vice-President of the European Commission, visited the Lampedusa centre for migrants on March 13. Commissioner Barrot met with NGOs, including Save the Children, in Rome, en route to Lampedusa. Save the Children Italy is part of the Praesidium project operating in Lampedusa, alongside UNHCR, IOM and the Red Cross. Save the Children Italy has issued a number of reports describing the conditions in the centre and onward reception arrangements in Sicily to which unaccompanied and separated children arriving in Lampedusa are transferred. These reports have highlighted some concerns and contain recommendations for improvements.

Commissioner Barrot also visited centres for migrants without papers arriving in Malta and called for additional funds in order to improve the centres. The Commissioner also stressed that by 2010 a pilot programme to transfer asylum seekers from Malta to other EU Member States would be set up in the framework of the foreseen European Asylum Support Office.

New European Website and Forum on Integration

European Commission Vice President, Jacques Barrot launched two new tools for integration of third country nationals living in the European Union. The European Integration Forum, where EU institutions, stakeholders and civil society organisations will exchange views and act together on integration issues and the European Web Site on Integration, which will hopefully provide high-

quality content from across Europe and build an online community of integration practitioners. The website has been created at the direction of the European Commission and Member States, to increase the flow of information, improve the quality of work on the ground, and help make EU policies on integration more effective. The Commission believed there was a need for a "one-stop shop" of information and good practices about integration, designed to meet the needs of policy-makers and practitioners.

The European Integration website:
www.integration.eu.

Committee on the Rights of the Child

Austria

In 2009 Austria has to report to the Committee on the Rights of the Child once again. Because of delay, the third and fourth report is done together this time. The Austrian government is obliged to submit its report on how the rights are being implemented in Austria by September 2009.

NGOs have the opportunity to submit an additional report by March 2010. The asylkoordination österreich will participate in this process and is responsible to report about the situation of separated children in Austria.

Belgium

The Belgian initial report on the optional protocol on sale of children, child prostitution and child pornography is being finalized.

Czech Republic

The joint 3rd and 4th State report of the Czech Republic, covering the period from 1 January 2000 till 31 December 2006, was approved by the Czech cabinet in July 2008 and consequently submitted to the CRC.

France

The Committee, in the list of supplementary questions to the French government (see www.dei-france.org/rapports/2008/CRC-C-FRA-Q-4.pdf) in view of its hearing May 26, asked for:

- supplementary information on the measures taken following the final observations of the Committee of October 2007 on the implementation of two optional protocols to the Convention (sale and prostitution of children and involvement of children in armed conflicts) that pertained directly to unaccompanied foreign minors.

- statistical data to date, following the report on the implementation of the optional protocol concerning

the sale and prostitution of children, on the number of child victims of sexual exploitation (prostitution, pornography and slavery), specifying how many of them had access to services of re-adaptation and social reinsertion.

- the Committee indicated that it wished to address the question of measures taken by the State-party to protect child victims of discrimination, in particular child asylum seekers.

Several alternative reports were submitted to the Committee on the Rights of the Child in view of the hearing of France on May 26 2009. A few of them deal with the fate of unaccompanied foreign minors, especially the one from DEI-France and its partners and the one from France Terre d'Asile, see www.dei-france.org/rapports/2008/index_rapport2008.html

Germany

The 3rd and 4th German Periodic report to the Committee on the Rights of the Child will not, as obliged, be published on 4 April 2009 but presumably later this year. The National Coalition for the Implementation of the UN-CRC as well as the "Forum Menschenrechte" are preparing the submission of shadow reports as soon as the Periodic report has been published.

Italy

In February 2009, the Italian government has presented its Report on the implementation of the CRC to the Committee. In November 2009, the Alternative Report will be published by the NGO-coalition monitoring the CRC, lead by Save the Children Italy and encompassing 80 Italian and international non-governmental and civil society organizations. Among other issues, the alternative report will focus on asylum seeking children, children involved in prostitution, child victims of trafficking and exploitation and separated children.

The Netherlands

On 30 January 2009, the Committee on the Rights of the Child published the Concluding observations of the Kingdom of the Netherlands (see www.kinderrechten.nl/site/pages/jeugd/rapportage/docu/CRC-C-NLD-CO3.pdf).

The main recommendations in relation to separated children in the Concluding observations are the following:

- The best interests of the child (article 3 CRC): the Committee welcomes the efforts towards attaching more importance to the best interests of the child in decisions concerning children. However, the Committee is concerned that the best interests

principle is not always codified in legislation affecting children or formalized in proceedings of the administrative arm of government.

- The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legal provisions and applied in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

This recommendation is important because the best interests of the child are often set aside when it comes to separated children in the administrative procedure (asylum procedure etc.).

- Detention (article 22 and 37 CRC): While noting with appreciation the high number of asylum seekers accepted in the Netherlands, the Committee is concerned about the practice of detention of unaccompanied children and families with children, and that children continue to disappear from reception centres, despite the pilot project centre to prevent the disappearance of undocumented children. Furthermore, the Committee is concerned about the access to family services for asylum seeking and refugee children, which should be culturally sensitive.

The Committee recommends that the State party further reduce the use of aliens' detention for unaccompanied children and for families with children, further strengthen the measures already taken to prevent the disappearance of asylum seeking children, and provide culturally sensitive family services.

For more information, see under 'Detention'.

As a result of the Concluding observations of the Committee, the Dutch Coalition for Children's Rights organized a meeting on February 19 2009 to discuss the recommendations of the Committee. The Minister for Youth and Families, NGO's and Members of Parliament took part in this meeting.

Norway

Norway's fourth periodic State report to the Committee on the Rights of the Child was finalized in 2008. The NGO coalition, The Norwegian Forum for the Convention on the Right of the Child, is currently preparing its supplementary report to the Committee and the report will be finalized in June 2009. Save the Children Norway is the co-ordinator for the reporting process.

Poland

The last country report was filed by Poland in 2007. The third and fourth periodic reports were due on July 7 2008.

In February 2009, The Nobody's Children Foundation together with the Helsinki Foundation provided an "Alternative report to the Polish government's report on the implementation of the "Optional Protocol to the Convention on the Right of the Child on the sale of children, child prostitution and child pornography" with reference to article 12(1) of the Protocol".

Spain

NGOs are working on an alternative report on the application of the Convention of the Rights of the Child in Spain to submit to the Committee by the end of the year. There will be a specific part dedicated to the treatment of separated children. The Spanish Government presented its report in 2008.

Sweden

During the summer 2008 Save the Children Sweden submitted a supplementary report to the UN Committee on the Rights of the Child with comments on the Swedish Government's fourth report to the Committee. Concerns raised by Save the Children related to migrant children were mainly: the lack of right to health care and education for undocumented children; flaws in the Migration Board's and the courts' assessments of children's protection needs; a government proposal to implement a support requirement for family reunification and the need to evaluate the mandate of the guardian and to adopt national guidelines.

In February 2009, Save the Children Sweden participated, together with other NGOs, in a pre-session meeting before the Committee on the Rights of the Child in Geneva. In the opening speech Save the Children raised the issue of support requirement for family reunification and a contradiction within the Swedish legal framework where a decision to expel a child prevails over a court ruling that a child need protection from violence or lack of care within the family, i.e. a child may be expelled together with a parent from whom he/she needs protection. Questions asked by the Committee related to migration mainly concerned the right to health and education and assessments of the best interests of the child in asylum cases.

United Kingdom

The Committee examined the UK government during this period. The concluding observations are available at

www2.ohchr.org/english/bodies/crc/docs/AdvancVersion/CRC.C.GBR.CO.4.pdf

The Committee welcomed the announcement by the UK during examination that the reservation regarding children subject to immigration control would be removed but made a number of recommendations relating to children seeking asylum; including age disputed young people, children in detention and those who are prosecuted for entering the UK without proper documents.

The reservation regarding children subject to immigration control was removed on 18th November 2008.

Changes and Developments in Law, Policies and Practice

Austria

On July 1st 2008 the asylum court, Asylgerichtshof, was established. The asylum court replaces the Independent Federal Asylum Review Board, Unabhängigen Bundesasylsenat.

Croatia

In terms of legislation, on January 1st 2008, the new Law on Asylum (LoA) entered into force. Article 2 of the LoA defines as “unaccompanied minor an alien who has not turned 18 years of age and who has entered the Republic of Croatia unaccompanied by a legal representative, or who has been left unaccompanied by the legal representative after he/she has entered the Republic of Croatia”. The definition of “vulnerable groups” under the LoA includes minors (Article 2 LoA).

Article 25, para. 3 of the LoA clearly states the “implementation of the provisions of this Law shall be conducted in the best interests of a minor”. According to Article 25, an asylum application on behalf of a minor is to be submitted by a legal representative. Exceptionally, a minor over 16 years of age can submit his/her own asylum application.

Pursuant to Article 26, para. 1-2 of the LoA, unaccompanied children are appointed with a guardian, save for cases where an unaccompanied minor is over 16 years of age and is married.

Additionally, according to article 26, para. 3 of the LoA, the Ministry of Interior shall take necessary steps in order to find parents of a minor.

And finally, according to Article 26, para. 4, the asylum application of an unaccompanied minor shall be resolved within the shortest term possible.

Furthermore, on 1 January 2008, the new Law on Foreigners (LoF) introduced the concept for “temporary stay under humanitarian grounds” for victims of trafficking, unaccompanied/separated children or persons who are victims of organized crime and any other person with well-founded grounds of humanitarian nature (Article 68). According to the LoF, a residence permit will be issued with the term of validity from 6 months to 1 year extendable. Special references are being made to the identification of the victim status procedure and the best interests of the child are to be considered (Article 71), and ultimately separated/unaccompanied children (outside the asylum procedure) are not to be detained. A victim granted temporary stay is entitled to safe accommodation, health protection, financial assistance, education and employment.

The identification of a victim of trafficking is administered by the Ministry of Interior (MoI), in cooperation with the organizations of civil society. If the victim of trafficking is a minor, the MoI is obliged to cooperate with the ministry in charge of social welfare (Article 70).

Finland

The overall responsibility for reception and integration of asylum seekers and refugees was moved from the Ministry of Labour to the Ministry of Interior in the beginning of 2008. The reform is ongoing, in 2009 the Finnish Immigration Service (former Directorate of Immigration) is going through restructuring and will have more duties in the field of immigration. The Ministry is still steering in the policy and legislative level but the implementation of the law regarding reception of asylum seekers and refugees at the practical level will lie within the Immigration Service. This means that this governmental office will hold a dual role concerning asylum seekers: it will examine the asylum applications and make the decisions as till now – but it will also hold the responsibility of the administration of the reception from now on.

Many NGOs have expressed concerns on the effects of this dual role. The Central Union for Child Welfare, CUCW, has pointed out in its statement for the law proposal that the new arrangement is problematic especially with regard to separated children and by noting that Norway and Sweden have just engaged themselves to the opposite direction in their policies. (In Sweden the

reception of separated children was moved to the municipalities and in Norway to the child welfare authorities). At the same time the number of arrivals of separated children has risen radically in Finland and the system is jeopardizing the rights of separated children. The CUCW has stated that there is a need to take responsibility at a high political level and the reception of separated children should be evaluated and reconsidered.

France

A new minister of immigration was appointed in January 2009. He has just announced the creation of a working group on unaccompanied foreign minors: the principal problems were asserted; the group is to make its suggestions in July 2009.

Ireland

The Immigration, Residence and Protection Bill 2008 is being debated in the Parliament during the Spring 2009.

Italy

After the April 2008 national elections, a very clear restrictive trend in the field of migration has been recorded in Italy through changes in law (already approved and/or currently being examined) and policies, mainly proposed by the Government and later reviewed and approved by the Parliament, in full or partially.

These policies and laws are expected to have a significant impact on separated children, as well as children within families and to some extent EU national children (namely from countries of recent accession). Some of the main provisions adopted or currently being examined are summarized below in this paragraph or under the different specific headings (e.g. age assessment) when appropriate. The list in the text is not providing a full account of all such measures, but rather of those which are of particular concern from a child rights perspective, and of prior relevance for the work of Save the Children Italy.

Conversion of permit of stay when turning 18 years old:

According to current legal provisions, children cannot be expelled and deported from Italy, save the right to follow their family. Hence they are entitled to receive a permit to stay. When turning 18, the law envisages the possibility for children to convert their permit to stay on study, job or job search grounds.

A new proposal by the Government currently examined by the Parliament would introduce more

restrictive criteria for converting the permit of stay at 18 (which since 2002 were present in the law as alternative ones to be applied to children who were not appointed a guardian): in particular, in order to obtain a permit to stay upon reaching adult age, a child should have been in Italy for at least three years and involved in a social integration project for at least two years.

If the above law provision is approved, an element of discrimination will be introduced and have negative impact on all children who entered Italy at the age of 15 or above (currently the vast majority of separated children present in the country) who will not have chances for a long-term integration; consequently, these children will likely be less motivated for coming in contact with institutions and taking part in social integration activities, given the lack of future perspective of remaining in the country.

Abolishment of “notification ban” for irregular migrants in need of medical aid:

Currently, there is an article in the migration law forbidding medical doctors to notify law enforcement about the situation of an individual who does not hold legal entitlement to stay in Italy when providing him/her medical aid.

A Government’s law proposal, which is being examined by the Parliament, abolishes the above ban, implying that a medical doctor could (although s/he is not obliged to) notify an irregular migrant provided medical assistance to the law enforcement authorities.

The above provision is likely to have a very negative impact on the situation of migrants present in Italy, including children, in different ways. In particular, it is reasonable to assume that irregular parents will be reluctant to accompany their children to medical centres; that such provision will install fear in pregnant women (although not expellable by law while pregnant and during the first 6 months after delivery, but who could fear tracing and later expulsion); that separated children who has not yet received a permit to stay (although not expellable) would be reluctant to approach medical care; and that generally this situation, while violating a fundamental right provided by (among others) the Italian Constitution, would lead to a general worsening of health conditions of the population and risks of broader spreading of different diseases and epidemics.

Prohibition for irregular migrants to get married and to access civil registry acts:

A law proposal by the Government provides that a foreign citizen intending to get married in Italy shall provide documentation proving his/her right to stay in the country. Such a provision, if approved, will violate one of the fundamental rights recognized to every human being, i.e. the right to get married and found a family without any discrimination.

The above provision is likely to have a negative impact on children, also considering it in combination with another proposed change, according to which irregular migrants cannot access public services and civil registry acts, including recognition of their children.

The above provision raises concerns about the violation of the right of every child to an identity, to family unity and to health care.

The Netherlands

The State Secretary of Justice wants to revise the policy for separated children. During a meeting with policy makers of the Ministry of Justice a variety of NGOs and organizations were asked for input. The majority stated that the separated children should get a couple of months to rest before the asylum procedure starts. In this way there is a greater chance that asylum grounds will surface (because the child will be more at ease etc.).

The separated children should never be detained and furthermore the NGOs pleaded for a role for the magistrate at the juvenile court. This judge decides for Dutch children (who for example are victims of traffickers) what the protection measures should be.

After the meeting the State Secretary of Justice announced that she would research the different possibilities. By the end of 2009 the State Secretary of Justice will announce the results of this research.

Norway

Because of the increased number of asylum seekers coming to Norway, the government states that it is necessary to take measures to decrease the number of arriving asylum seekers who do not meet the conditions for protection.

Especially two of the measures will affect separated children. Applying Dublin II to separated children is one of them. The Dublin II practice has until now not been applied to separated children arriving in Norway if they are age assessed to be minors.

Another measure that most likely will start during Spring 2009 is that a temporary residence permit without the right to renewal can be granted to unaccompanied minors who are 16 years or older and today are given residence permit simply because

Norwegian authorities cannot locate their parents/family.

Poland

As reported previously, on 29 May 2008 a new law on granting protection to aliens in the territory of the Republic of Poland (Aliens Protection Law) came into the force. The major development concerns the access to state financed integration programs for persons granted complementary protection, including separated children with such status.

The new law also introduces changes regarding the situation of unaccompanied minors applying for refugee status in Poland, which are concerned with custody issues. Instead of two separate persons appointed so far for the purpose of the refugee procedure – a legal guardian and a custodian, currently there is only a legal guardian. However, if needed a custodian may be appointed on the basis of the Civil Code.

The amendments of 18 September 2008 to the Penal Code of 6 June 1997 provides for the time limit extension for the prosecution of crimes against the sexual freedom of minors, up to 5 years upon turning 18.

Portugal

One of the major developments regarding asylum in Portugal was the entry into force of the new asylum legislation in 2008.

The new Asylum Law (law 27/2008) which establishes the conditions and procedures for granting asylum and subsidiary protection and the status of asylum applicant, refugee and of subsidiary protection, transposing into internal juridical order Council Directives ns 2004/83/CE, of 29th April and 2005/85/CE, of 1st December, was published on the 30th of June, after a period of debate and consultations that included UNHCR as well as the Portuguese Refugee Council (CPR).

Both organisations were invited by the Minister of Interior to review and submit comments on the various drafts of law proposals throughout 2007. CPR is pleased to note that many of the comments have been incorporated.

The new law ensured new competences to UNHCR and CPR, namely concerning resettlement and the rendering of declarations, as follows:

Article 35, no 3 (request for resettlement): “The Portuguese Refugee Council shall be informed on the lodged applications and may pronounce an opinion upon said applications within five days”.

Article 49, no 7 (rights of the applicants) allows for asylum applicants to “be accompanied and represented by a lawyer or other legal representative during the rendering of statements, as well by a representative of UNHCR or CPR, although the absence of a representative does not hinder the compliance of the procedural act.

Also the legal status of resettled persons in Portugal upon arrival was clarified: “The acceptance of the resettlement request shall grant the applicants with a status similar to the mentioned in Chapter VII” (refugee and subsidiary protection status).

Another major development regarding this new legislation is the suspense effect which is recognized to all jurisdictional appeals of a non-admissibility decision, either the asylum application is presented at border points or at national territory.

Another significant introduction relates to the subsidiary protection status, previously with a maximum timeframe of 5 years. The new asylum law altered the referred time limit providing a more stable level of protection. Number 2 of article 67 states “Beneficiaries of subsidiary protection status shall be granted a residence permit for humanitarian reasons, which shall be valid for an initial period of two years, renewable after an assessment of the evolution of the situation in the country of origin, unless compelling reasons of national security or public order otherwise require (...)”.

In relation to the situation of separated children seeking asylum, one can find important considerations, particularly in articles 78 and 79 which are dedicated to minors and unaccompanied minors seeking asylum.

Among other important issues, the article 78 points out that the best interests of the minor shall be a primary consideration, namely:

- the reunification with his or her parents, idoneous; or, in their absence,
- his or her reunification with adult relatives, idoneous; or, in their absence,
- his or her placement in a foster family, in reception centres with special provisions for minors or in other housing suitable for minors;
- non-separation of siblings;
- life stability, with changes of residence limited to a minimum.

The competent authorities of Public Administration shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental

health care is developed and qualified counselling is provided when needed.

Romania

As a follow up of the decision of the Constitutional Court no. 604/2008, the Law no. 122/2006 regarding asylum in Romania was modified regarding the appeal against the decision to access to asylum procedure (Dublin procedure). Thus, starting 25 November 2008, the new provisions came into force and provide more guarantees for rejected applicants regarding effective access to appeal. These provisions are applicable for all minor asylum seekers.

Spain

Last January, the Constitutional Tribunal recognised in a ruling the right of a Moroccan separated child to defend himself before the court against a decision taken by his guardian (the Autonomous Community of Madrid) who wanted to repatriate him. There was a clear conflict of interest between the minor and the Community of Madrid. This ruling is very important because it recognises the capacity of separated children to defend themselves through the courts against the decisions of the public administration that has the guardianship.

The Office of the United Nations High Commissioner for Refugees, UNHCR, accepted the invitation extended by the Ministry of Interior to review and submit comments on the Project Law of the Asylum Law, which seeks to transpose into Spanish legislation three particularly important EU Directives: Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (“Reception Conditions Directive”), Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (“Qualification Directive”), and Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (“Asylum Procedures Directive”).

The Spanish draft asylum law is currently under review by the Interior Commission of the Parliament. Discussions around the draft Asylum Law and the current situation took place before the deadline for amendments on 17 March. Several Parliamentary Groups requested a hearing with

UNHCR as well as with some relevant NGOs that took place on 20 March.

Comments and recommendations in relation to dispositions affecting particularly unaccompanied minors' asylum applications have been made.

Parliamentary Groups have welcomed UNHCR's recommendation that the new Law does not lower current standards.

Among the various issues discussed, there has been particular support to amending areas where the draft Law has gone below the standards of the EU Directives (notably on exclusion), to improve procedural shortcomings and voids, and to address issues where the draft Law does not reflect more positive standards of the Directives.

This is a crucial stage in the process of adoption of this core legislation. Detailed content of the final version is foreseen to be available in the coming months.

United Kingdom

In January 2009 the UK government introduced a Code of Practice to keep children safe from harm, allowing it to implement the duty established in the UK Borders Act 2007. Everyone employed or contracted by the UK Border Agency must now have regard to the Code when carrying out immigration functions. See

www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/keepingchildrensafe/

End of the one year discretionary leave policy:

The specific policy to only grant up to 12 months leave for children from most Non Suspensive Appeal (NSA) countries whose asylum claims were refused, introduced in 2004, has been withdrawn. The policy will now be the same as for children from other countries i.e. to grant discretionary leave up to age 17.5, or for 3 years, whichever is the shorter.

NSA countries to which this particular policy applied were Albania, Bolivia, Brazil, Ecuador, Ghana (males only), India, Jamaica, Macedonia, Moldova, Mongolia, Nigeria (males only), Serbia and Montenegro, South Africa and Ukraine.

The Children Act 2008 has become part of English and Welsh law but most of it has yet to be implemented. It will increase the duty of local authorities towards the children in their care, and will introduce more independent oversight on important aspects of care, for example the decision about when to move into independent living.

Detention

Bulgaria

Asylum seekers who submitted their applications for protection at the borders have been transferred to Busmantsi Detention Centre for lack of proper accommodation facilities in the SAR premises. As a rule separated children were not detained.

According to the Ordinance N. 332/2007, which regulates the coordination between the State agency for Refugees and the respective directorates of the Ministry of the Interior, separated children belong to the group of vulnerable asylum seekers and are directly transferred to the territorial subdivisions of the State Agency for Refugees.

Croatia

No unaccompanied/separated children was held in detention in 2008.

Czech Republic

Under the Czech legislation, children aged 0-15 cannot be held in detention centres. According to the authorities, detention of older separated children, aged 15-18, takes place only in exceptional cases when the identity and/or age is seriously disputed and for a maximum of 90 days (whereas adults may be detained up to 180 days).

Recently, the authorities informed UNHCR about the case of a boy who was released from detention right after the medical check-up confirmed the boy may be younger than 18.

Accompanied children may be held in detention together with their families. A specialised detention centre placed in Bela-Jezova serves exclusively to such cases. This particular detention centre is similar to asylum facilities, having even a small "child centre". School enrolment of children is arranged immediately after their receipt into the facility. Children who are subject to compulsory school attendance first complete a Czech language course in the learning support class and then they visit the primary school that is in a given municipality.

Greece

UNHCR continues to receive various reports of unaccompanied minors being detained on account of their illegal entry under sub-standard conditions and without the proper involvement of the Public Prosecutor for Minors. In some cases, unaccompanied minors remain detained for long periods because of lack of appropriate shelter to be referred to.

Italy

According to the law, children cannot be detained in centres for irregular migrants, except when they are with irregular family members, prior their consent.

The current migration law sets the limit of administrative detention of irregular migrants to 2 months.

A law proposal by the Government envisages the extension of such term to 18 months. The Senate has not approved of this specific provision. Right afterwards, the Government has passed a Decree extending the above-limit to 6 months. The provision is already applicable and shall be converted into law by the Parliament within 2 months. In April, the Parliament rejected the provision in first voting.

The above measure, while would in general negatively affect the identification procedures of migrants in Italy, raises particular concerns about extension of the detention period for both children wrongly identified as adults and therefore placed in centres for irregular migrants subject to detention and children with families, with retro-active effect.

Lithuania

According to the guidelines of UNHCR of 1997 the children seeking asylum in Lithuania cannot be detained. If a child seeking asylum is detained, Lithuania must in any case follow the article 37 of Convention on the Rights of the Child, the detention can be used only as a last resort and for as short time as possible. If asylum seeking children are detained at the airport, in the migration detention centre, they cannot be kept under conditions similar to prison. It must be sought to release the children and to accommodate them in an appropriate place. The basic view is “the protection” but not “the detention”.

In the guidelines of UNHCR concerned with the detention of the asylum seekers, it is underlined, that the children have the right to education during the detention, and that there is established conditions for their leisure and games.

The Netherlands

A devastating report from the inspectorates has been released about the Juvenile Justice Centre Zwaag. The detention of separated children in this centre was not found acceptable. As a result of this report the Dutch TV programme ‘EenVandaag’ paid attention to the situation in Zwaag. Because of the report and the bad conditions in Zwaag the children were replaced to the state institution for youth, called ‘De Doggershoek’.

On 18 February 2009, Defence for Children took part in a hearing with the Parliament about separated children in detention. This hearing was organized by the Commission for Justice as a result of a report from Amnesty International.

Organisations like Amnesty International, UNHCR, the European Commission, the Council of Europe and all organisations of the coalition 'Children don't belong in refugee detention' called for the immediate stop of detention of these children.

Defence for Children as well as Unicef The Netherlands plead to the need of protection of the unaccompanied minors which is not possible in detention. Just like Dutch children in need of child care measures, there should be a role for the magistrate at the juvenile court.

Thomas Hammarberg, the Commissioner for Human Rights, published his report about the human rights situation in the Netherlands in March 2009, see

www.defenceforchildren.nl/images/20/854.pdf.

He expressed his concerns about the detention of separated children recommending that the government looks at the alternatives, and the lack of a body that protects the best interests of the child in asylum procedures - contrary to the family law procedures.

In a judgment of 18 February 2009 (LJN: BH3836) the court found there had been a violation of article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In this case an Afghan boy had to wait for two weeks in a waiting room at Schiphol airport. This period of detention was too long and not legitimate. The authorities should have placed him in a foster family or a reception facility.

Norway

Immigrants with a final rejection of their asylum application (and who have not been granted residence for any other reason), are obliged to leave the country voluntarily. If he/she does not do so, the police intervene with force, and the immigrants may be detained at Trandum detention centre for immigrants, either for reason of unknown identity, or waiting to be returned with enforcement. The average period for Trandum is three days, but can be longer, also for families with children.

Poland

According to the Polish law, no separated children in the refugee status determination procedure shall

be detained nor subjected to the pre-screening detention.

Portugal

The Portuguese Asylum Law makes no reference to permission or prohibition of detention. There are no records of detained minors in Portugal, except for those who are “retained” at international areas, namely, the airport. However, it is important to mention that the Portuguese authorities avoid this retention in cases of separated children.

Reference should be made to the positive fact that in 2008 all requests presented by unaccompanied minors or single women with children were admitted to procedures which is considered to be a practice responsive to issues of age and gender.

Romania

No separated children are detained According to the Romanian asylum law 122/2006) separated children are exempted from border procedure and they are immediately granted access to the territory.

Slovenia

From July 2008 to March 2009, 29 separated children were deprived of liberty because they entered or resided illegally in Slovenia. They were held in detention between a few days and up to two months.

United Kingdom

The UK government continues to resist calls for all children’s detention to be recorded. It produces snapshot figures for the number of children detained with their parents on the last Saturday of each quarter. However, it does not collect the number of all children, including those detained as a result of being age disputed. NGO groups have proposed an amendment to the current Borders, Citizenship and Immigration Bill (at its early stage of being debated in parliament) to make it a statutory duty to publish figures on all children who are detained, including age disputes.

Age Assessment

Austria

In 2008, the number of age assessments undertaken was very high. Following official statistics, 97 applicants were declared as adults. Impressions by people working in the reception centre in Traiskirchen are that the number is even higher.

The way the asylum authorities (BAA-Traiskirchen) handle the issue of age assessments is problematic.

In 2008, most of the assessments were undertaken by the paediatrician Mr. Klabuschnigg who defined the age by examination and by measurements of the kidney. Despite rulings by the asylum court which did not accept the expertise by Dr. Kabuschnigg (S12 400630-1/2008), the BAA-Traiskirchen assigned him to undertake age assessments further on. On 17th of February 2009, the Austrian Medical Association (Ärzttekammer Österreich) confirmed in a letter to asylkoordination österreich, that measurements of the kidney are not adequate to identify the age.

Since 2009, the asylum authority (BAA-Traiskirchen) is sending age disputed asylum seekers for age assessments to magnetic resonance examinations (MRT) and/or to a dentist.

Croatia

There is no procedure for age assessment in place.

Czech Republic

The national legislation (Asylum Act and its Art 89, para 3 and 4 respectively), rules the following:

Para. 3: If an applicant for international protection is an unaccompanied minor and there are justified doubts regarding his/her claimed age, a medical examination shall be carried out in order to establish his/her actual age. The Ministry shall present the findings of the medical examination to the court as evidence in the proceedings on the appointment of a guardian pursuant to Subsection (1). If for any reason an unaccompanied minor refuses medical examination, the Ministry shall consider him/her an adult applicant for international protection.

Para. 4: The Ministry shall inform an unaccompanied minor of the option to determine his/her age in a medical examination pursuant to Section 3 in his/her mother tongue or a language in which he/she is able to communicate, in an invitation to file an application for international protection or within a maximum period of 15 days from the Declaration on International Protection. In the information, the Ministry shall also indicate the manner in which the examination is made and it shall inform the unaccompanied minor of any possible consequences and on the consequences of refusal to undergo medical examination related to his/her application for international protection.

In practice, the medical examination involves the X-ray of the wrist bones. Nevertheless, the authorities admit that such testing is not reliable and the outcomes may differ from the real age even within a couple of years. This is why children claiming to be 16 or older are considered to be children for the

purposes of their asylum application without additional testing unless there is a well founded assumption that the applicant is much older.

According to the authorities, other ways of assessing the age are often taken into account as well, especially the results of psychological tests carried out routinely by the Blue School facility as part of the overall diagnosis.

On exceptional bases, the age assessment may be supported by the medical examination of genitals.

Finland

Age assessment is not regulated in the law. Finnish Immigration Service has not undertaken assessments for years but the police have. A growing demand of age assessment can be seen now, due to a high rise in the numbers of separated children arriving and the fact that a vast majority of the separated children are young men. There seems to be more adults among them than before. This may lead to more restrictive attitudes towards 16-17 year old boys. Together with varied ways of interpreting age assessment methods the rights of children can be threatened.

The Central Union for Child Welfare together with the Finnish Refugee Advice Centre and professor Helena Ranta from the Department of Forensic Medicine of the University of Helsinki have had some discussions with the responsible ministers and demanded age assessment to be regulated by law.

Greece

At the moment there is no legal provision on assessing the age of a person, even when minor, based on medical examinations. Age is generally registered based on what the persons declare. However, there are serious concerns that the authorities register minors with a different age than the one they declare.

Ireland

UNHCR expressed concerns regarding separated children who are not identified as such by Irish immigration officials at a port of entry partly due to the absence of standardised methods for age assessment.

There is currently in Ireland no statutory procedure or policy as to how to conduct an age assessment of a young person who may be less than 18 years old.

The Immigration, Residence and Protection Bill does not clarify the issue, as it only requires the immigration officer to have “reasonable grounds” or that “it appears to him” that the person is over 18. The Bill also does not require giving the benefit

of the doubt to a person who may be under 18 years of age.

Italy

In Italy, currently there are no standard operating procedures for age assessment in the context of identification of migrant children. Age assessment is particularly relevant for separated children of which the majority is aged between 16 and 17, and in some exceptional cases also for foreign children with families.

In May 2008, the Ministry of Interior requested the Ministry of Labour, Health and Social Policies to produce standard procedures concerning age assessment, with specific reference to the medical examinations involved and procedures therein. A technical working group was set up. Save the Children Italy was heavily engaged in trying to have procedures which complied with children’s rights.

A draft set of standard operating procedures has been produced by the technical group, which represents a considerable improvement. Among other elements, such draft procedures include: best interests principle as starting point for age assessment; the need of a serious doubt to trigger age assessment and the recommendation to resort to medical examinations after having explored other means (e.g. the issuing of original documents by the country of origin – where possible and not dangerous for the child); the need to have the child’s and his/her guardian’s informed consent and the broader need to meaningfully inform the child at any stage of the procedure, including its consequences and the right to refuse and appeal the results; the use of combined methods, involving a child specialist (paediatrician) and excluding in principle x-ray – besides exceptions which need to be properly justified; the benefit of doubt principle and the need to consider the child as such pending age assessment results, including the appointment of a guardian; the obligation to reflect appropriate margin of error of the examinations used and to consider the child as such if doubt still exists after the procedure is implemented.

Such procedures shall be reviewed by an internal consultative body of the Ministry of Health and then by the Ministry of Interior. Save the Children Italy intends to closely follow up further steps of this process.

Lithuania

The following ways of the assessing of the age are mostly used: medical examination; psychical measurement; tooth examination; the psychical examination and interview.

The Netherlands

In a case of December 4 2008 (AWB 07/1683) the court considered that the counter-evaluation of child radiologist Robben contains serious reasons to doubt the correctness of the age assessment method which is used in the asylum procedure in The Netherlands: X-rays of the wrist and collarbone. This judgment is very important because until now the method for age assessment has always been approved.

Norway

The Immigration Authorities are currently looking at new methods for age assessment, supplementing the dental test now carried out. In 2007, 43 % of those who received a decision after applying as unaccompanied minor asylum seekers, were considered to be 18 years or older at the time the decision was made. Their applications were therefore processed as adult asylum seekers.

Because of the different age-limits (e.g. over and under 15 years, 16 years and 18 years) we see a new challenge in the use of age assessment.

Poland

According to the Polish law, minors are persons under the age of 18. The 2008 Aliens Protection Law provides that if the declared age of an alien claiming to be a minor gives rise to doubts, a medical examination may be carried out upon the consent of the alien, or a legal guardian appointed to represent this alien, in order to establish the actual age. The examination shall, apart from establishing the age, contain an indication showing the admissible margin of incorrectness of the test. If a person does not agree to be examined for the purpose of age assessment, he/she is considered an adult.

Portugal

There is no legislation or specific measures towards the corroboration of asylum seekers' age when under the age of 18.

When necessary, tests are carried out by an external and independent entity, the National Institute of Forensic Medicine. Among other occupations, this entity is responsible for the estimation of minor asylum seekers' age through X-rays to the dental plaque, namely the Haavikoos Method (evaluates male's teeth formation phase 18, 28, 38 e 48), the Kullman Method (assesses male's teeth roots formation phase 38 e 48), Harris & Nortjèn (with no gender discrimination, it evaluates teeth roots formation phase 38 e 48), Demirjian Method (the

most powerful technique in teeth evaluation 41-47, only for the male gender).

Romania

Article 41 paragraph (2) of the Asylum Law stipulates that "in the situation in which the unaccompanied minor cannot prove his/her age and there are serious doubts regarding his/her minority, the Romanian Immigration Office will request a forensic examination to evaluate the age of the applicant, with the prior written approval of the minor and his/her legal representative".

Romanian Immigration Office informs the legal representative and the child, in a language the latter knows, on the possibility of carrying out a medical examination of the child's age.

In case the separated child asylum applicants declare that they are minor and if there are no serious doubts of their minor age, they will be considered to be minors without having to carry out a medical examination.

Slovakia

Minor asylum seekers have to undergo an age assessment, if there are doubts about his/her age. It is necessary to obtain the agreement from the legal representative or guardian. If the asylum seeker refuses the clinical examination or there is no agreement from the legal representative or guardian, he/she is considered as adult. If it is not possible to assess the age by the results of the clinical examination, the asylum seeker is considered a minor according to the Asylum law.

Sweden

If the age of a separated child is questioned the Migration Board (MB) conducts an "ocular assessment" of the age, i.e. an official in charge of the case does the assessment by studying the appearance and behaviour of the child. Only in exceptional cases X-ray of tooth or wrist is used. According to Save the Children Sweden, the method used is arbitrary and contrary to the rule of law and has to be changed. The conclusion by the MB should be a formal decision that may be appealed.

United Kingdom

The Age Assessment Working Group, established by the UK Border Agency to explore best practice in age disputes and make recommendations to inform improved practice, met for the last time in August 2008. UKBA have committed to producing a report of its findings but this has not happened yet.

Stakeholders continue to be frustrated by the lack of progress.

There have been a number of court cases which have attempted to deal with the issues of whether local authority social workers should conduct age assessments (the courts found that they should, although this matter is subject to further appeal), and what value should be placed on medical reports (the courts found that they were of value and should not be dismissed by social workers). In March 2009 two further cases have been heard looking at the value of medical assessments; the judgement is expected very soon.

Guardianship

Austria

According to telephone interviews made in December 2008 by the asylkoordination österreich, most youth welfare agencies do not properly fulfil their obligations as guardians.

Nowadays in Austria, a guardian is usually appointed for separated children admitted to the regular asylum procedure. In the vast majority of cases the court appoints the youth welfare agency for this purpose. The extent and quality of the support offered by the youth welfare agency to separated children differs strongly. While the Province of Niederösterreich spends between 300,000 and 500,000 € per year to support separated children, provinces like Steiermark or Salzburg invest hardly anything.

The disregard of the duty as guardians very often causes disadvantages for separated children. Minors suffering severe psychiatric problems and who therefore cannot stay in an accommodation facility for separated children any longer are often transferred to an accommodation centre for adult asylum seekers instead of caring for them in adequate facilities for young people. The reason for this is that the costs for this type of accommodation with intensive care are much higher.

Bulgaria

The Bulgarian Helsinki Committee implemented a project, financed by the European Refugee Fund, on legal aid for asylum seekers and improvement of the quality of the refugee procedure. The project activities included elaboration of the criteria and procedures for the appointment of a guardian/trustee for separated children. For this purpose a Commission was formed, which included representatives from the State Agency for Child

Protection, the State Agency for Refugees, the Bulgarian Red Cross, Caritas-Bulgaria, the Association on the integration of Refugees and Migrants. The Commission produced a report, analysing the current legislation and practice and proposed solutions.

Croatia

Unaccompanied/separated children in Croatia are provided with guardians, appointed by the nearest Centre for Social Welfare. In practice, guardians are social welfare officers or adult members of the group with whom the unaccompanied/separated child travelled. Social welfare officers are mostly professional social workers, who are overburdened with different tasks and duties and are entitled to act as guardians in many different cases. UNHCR continues to provide advice and support to the guardians wherever necessary, either through the implementing partner or directly.

According to statistical data provided by the Ministry of Health and Social Welfare, 97 separated/unaccompanied children (children outside the asylum procedure, including only 2 who were asylum seekers) resided in Croatia in 2008.

- 31 were appointed with guardians from Centres of Social Welfare.

- 5 were appointed with guardians who were relatives (namely cousins).

- 29 were appointed with guardians who were members of the group in which they arrived to Croatia.

- 32 were appointed with guardians for whom the relation with the children cannot be established by the Ministry of Health and Social Welfare.

Czech Republic

Pursuant to Article 89 of the Asylum Act and its articles 1 and 2, the court appoints a guardian for separated children:

Art. 1: If an applicant for international protection is an unaccompanied minor, a guardian shall be appointed by the court to protect his/her rights and legally protected interests related to his/her stay in the Territory in accordance with a special legal regulation 13. With regard to the protection of a minor, the court on the initiative of the Ministry shall appoint a guardian without delay by way of a preliminary ruling. The proceedings on the appointment of a guardian shall not be subject to any special legal regulation 13a.

Art. 2: The function of a guardian shall be performed by a relative of an unaccompanied minor who is staying in the Territory; if there is no such person or if such person cannot be entrusted with

the function of a guardian, the function of the guardian shall be performed by another suitable natural or legal person or a municipal authority with extended powers according to the registered address of the unaccompanied minor. The powers assigned to the regional authority and the municipal authority with extended powers shall pursuant to this Act be the execution of delegated powers.

The Departments of Social and Legal Protection of Children (DSLPC) of the relevant local government serves as the guardian of separated children. The DSLPC shall attend the asylum proceedings and shall deal with school matters or social security benefits. Due to the broad range of their agenda and lack of legal expertise in asylum matters, however, these departments are often in contact with the local NGOs who are then, on ad hoc basis, representing the children in their asylum procedures.

Finland

When the number of separated children has risen almost ten times since 2007, it has caused several problems for the guardianship system. The number of guardians is not sufficient, many of the guardians are inexperienced and there is also delay in their appointments. It does not help that new units for children have had to be established very quickly, and thereby also the staff working with children have little if any experience in working with separated children. It is now time to seek solutions to the problems that have been known for years. It would be important to find an actor to take overall responsibility of the guardianship system including training, recruiting and coordinating.

The Central Union for Child Welfare is releasing training material and also organised a 2-day training event for guardians in May together with the Ministry of Interior.

France

The compensation for ad hoc administrators (AAH) was significantly re-evaluated, even if its level remains very low: from 100 to 150 € for the waiting zone and from 50 to 150 € for the asylum requests on the territory, according to “Order of 2 September 2008 concerning the costs of criminal justice in terms of forensic medicine, translation, interpretation and ad hoc administration” (« Arrêté du 2 septembre 2008 relatif aux frais de justice criminelle en matière de médecine légale, de traduction, d’interprétariat et d’administration ad hoc »)

Germany

In December 2008, the Federal Association for Unaccompanied Minor Refugees organised an expert conference on guardianship. The attending experts (e.g. UNHCR, Nidos NL) gave a review on different aspects, e.g. “separated children as a special refugee group”, “tasks of guardians” and “models of best practise”. In March 2009, documentation has been published which can be ordered from info@b-umf.de.

Greece

Severe problems continue to exist; since there is a lack of sufficient accommodation facilities for unaccompanied minors there is also a problem of appointing a permanent guardian. Moreover, Prosecutor Generals do not adequately perform their duties as temporary guardians.

Ireland

In Ireland there is at the moment no service providing every separated child with a professional independent guardian as defined in international standards. However, many agencies are involved in assisting and supporting separated children.

This situation could improve with the forthcoming Children Acts Advisory Board’s guidelines regarding the appointment of guardians.

There is no regular practice of providing separated children with a guardian ad litem to support and represent them during the asylum procedure. However, under the National Children’s Strategy the Government has made a commitment to provide a guardian ad litem for all separated children. A provision providing for guardians ad litem for each child is still absent in the forthcoming Immigration, Residence and Protection Bill.

Irish Times’ article: “Court guardian system a ‘travesty’”, see www.irishtimes.com/newspaper/ireland/2008/11/28/1227825379429.html

Italy

Despite the legal provisions in place regulating guardianship, it often happens that there is a conflict of interests between the guardian and a separated child, as in most cases the Major of the municipality where the child is accommodated is appointed as his/her guardian, where the Municipality bears the financial responsibility for the child’s accommodation.

An interesting experience is being developed since 2004 in the Veneto region, where a pool of voluntary guardians, selected according to a set of criteria about required skills and abilities, is trained and supported by the Regional Ombudsman's office to take upon the guardianship for separated children.

Lithuania

Until the beginning of 2002 the Law on Refugee Status did not foresee the appointment of a guardian, but only the participation of the representative of the Child Rights Protection Service in the asylum procedure.

On January 15 2002 the changes brought the requirement of the appointment of temporary guardianship. But in practice, the guardians were never appointed, because the regulations for the implementation of the mechanism were not prepared.

Until 2002, the representative of The Child Rights Protection Service participated in the interviews related to the asylum application of the separated children. But the work of such representatives was only participation in the interview and the confirmation of the necessary documents.

According to the Law on the Legal Status of Aliens, temporary guardianship is appointed to the unaccompanied minors according to the legislation of Republic of Lithuania. The care, education, creation and keeping of the circumstances for the spiritual and physical growth, the protection and the representation of the personal, legal and other interests of the child without parents are appointed for the natural or legal person according to the law.

The temporary guardianship is appointed by the decision of the Child Rights Protection Service and the municipality to the Refugee Reception Centre, as an institution, which appoints the responsible social worker.

The Netherlands

Nidos (the Dutch guardianship institution) is currently involved in different researches. They asked a Dutch University to interview separated children to get an idea of what the children want from their guardian.

An intern of Defence for Children International-the Netherlands also got the permission from Nidos to interview a couple of separated children and guardians.

The research of this student is going to function as a pilot for a research Defence for Children and other NGO's from the SCEP thematic group on guardianship want to take on. As a result of the

research we would want to come up with core standards and a common guardianship model to close the protection gap for separated children in Europe. The needs of the children will be referred to their rights according to the Convention on the Rights of the Child.

Norway

The number of arrivals of asylum seekers to Norway has increased and led to an increased pressure at all stages of the asylum seeking process. This led to a desperate need for more guardians this spring, as separated children cannot undergo their asylum interview without a guardian present.

The current situation regarding legal guardianship for separated children in Norway is basically characterized by variation. Variation both in how the guardians understand and perform their role and tasks, and variation in how the responsible offices in the different local communities work with recruitment, training and monitoring the guardians. The latter is a question both of competence in the specific area of separated children and of resources. The result is that a lot of the guardians have no proper training and hence are not to blame if they are not doing what this important task requires.

The Norwegian government has for the first time suggested allocation of money for recruitment and training of legal guardians on the National budget for 2009. This is honourable and we appreciate it, but there are limitations. The training is only supposed to be for guardians for separated children between 15 and 18 years in their first time upon arrival to Norway. This means in practice that children below 15, children in reception centres outside the Oslo area, and children finished with their asylum seeking procedure still in large scale will have guardians without proper training for their task. Save the Children Norway and Norwegian Peoples AID are cooperating on this issue.

Poland

In the case of unaccompanied minors, the body responsible for receiving the application for refugee status requests the guardianship court to establish a legal guardian, and to place the minor in a care institution.

Legal guardians are appointed for all categories of unaccompanied foreign minors. In the case of separated children applying for asylum, the legal guardian takes care of the refugee status determination procedure; in case of other separated

children, a legal guardian is appointed by court to undertake all legal steps on behalf of the minor.

Portugal

Article 79 of the Law 27/2008 of 30 June (Establishes the conditions and procedures for granting asylum and subsidiary protection and the status of asylum applicant, refugee and of subsidiary protection, transposing into internal juridical order Council Directives ns 2004/83/CE, of 29th April and 2005/85/CE, of 1st December) is dedicated to unaccompanied minors, and it states that (1) Without prejudice to the applicable guardianship measures in pursuance of minor guardianship legislation, minors who are asylum or subsidiary protection applicants or beneficiaries may be represented by an organisation or a non-governmental organisation, or by any other legally prescribed form of representation.

In fact, when an unaccompanied minor arrives to Portugal and apply for asylum, authorities immediately inform the Portuguese Refugee Council in order to receive this minor in our Reception Centre, also informing the Family and Minors Court about this. This court attributes the guardianship of this child to CPR.

Romania

A legal guardian is appointed for each person declared as a separated child. If the result from the age assessment shows that the person was an adult the legal guardianship is ceased.

According to Article 16 of the Safeguards regarding unaccompanied minors seeking asylum, the Directorate for Asylum and Integration takes the necessary steps for designation of a legal guardian for the separated child, within the shortest time possible from the moment when a person declaring that (s)he is a separated child has lodged the asylum application. The refugee status determination procedure is suspended until the appointment of a legal guardian. According to the Law on Child Protection, appointed guardians are staff members of the local Directorate for Child Protection. The legal guardian assists the child throughout the refugee status determination procedure, including during the age assessment process.

Slovakia

If a foreigner is a minor, all the legal acts are conducted by a legal representative. If a minor foreigner is in the Slovak Republic without a legal representative, the court appoints a guardian. (Asylum law)

The Office of Labour, Social Affairs and Family provides guardians for unaccompanied minors, conducts all the legal acts and searches for the parents and family members. (Details in Law 305/2005 on Social and legal protection of children).

According to a report made in November 2008 by a multifunctional team consisting of representatives of UNHCR, governmental and nongovernmental organizations, in some cases it still takes too long time until the guardian for an unaccompanied minor is appointed. In Horne Orechove where a special facility for unaccompanied minors is situated, only one person from the Office of Labour, Social Affairs and Family is dedicating 10 hours a week to this work. This allows for undertaking the formal acts, but there is no time for mapping the real needs of the unaccompanied minors.

Slovenia

Slovene Philanthropy (SP) is still the only (non-governmental) organisation which is providing guardians for separated children. Nevertheless, the provision of guardianship is often difficult as the state does not provide SP any financial support for this.

Spain

Recently, the Parliament of the Canary Islands was debating the possibility to ask the Central Government to assume the guardianship of separated minors that arrive in the islands. It is the first time that an Autonomous Community try to transfer this responsibility to the State.

United Kingdom

The Committee on the Rights of the Child recommended that the UK government should consider appointing guardians for separated children but there has been no action from government.

The Scottish government continues to express interest in guardianship and held a consultation event in November to discuss how this may be put into practice. Work on this is ongoing.

Reception

Austria

All separated children applying for asylum in Austria are transferred to the first reception centre in Traiskirchen.

The camp offers a separate accommodation for up to 78 separated children. The inhabitants of this house have the possibility to attend German classes

and there are social workers available to support them in things concerning daily life.

Due to the increase of applications in 2008, the support structure for separated children in Traiskirchen is totally overburdened. In March 2009 approximately 50% of the separated children are hosted in this facility only. The others are forced to live together with adults, without any possibility to attend German classes and without social support.

Separated children should stay as for as short as possible in Traiskirchen. Since the number of separated children is growing, it is difficult to find adequate facilities outside the camp. In average, separated children have to stay for two months in Traiskirchen, two years ago it was less than two weeks.

A further new phenomenon is that some separated children are accommodated in guesthouses. Until now it was common practice that NGOs took over responsibilities to care for separated children. To place separated children in guesthouses marks a serious backlash in the fight for appropriate accommodation.

Croatia

Asylum seekers are accommodated in the Kutina Reception Centre for Asylum Seekers, which is generally in good condition with legal assistance provided through UNHCR's implementing partner. Community services are also provided by another UNHCR's implementing partner, while medical assistance is provided by the state.

A lack of appropriate accommodation for unaccompanied/separated children (outside asylum-seekers category) has been noted, as they are placed in the Institution for Children with Behavioural Problems in Zagreb. The space for accommodation of unaccompanied/separated children is limited, there are not enough professional care givers, no medical pre-screening exists, no programmes for dealing with specific needs of the unaccompanied/separated children, there are no translation services secured, freedom of movement is partly restricted and no tracing mechanism for those who disappear has been established.

Additionally, the Ministry of Interior, with funds from EC PHARE 2005 programme, is planning by April 2011 to build a new Centre for unaccompanied children outside the asylum procedure. The new Centre is to be situated inside the compound of the Jezevo Illegal Migrants Detention Centre, but will be separated from the detention facility. The unaccompanied children will

have restricted freedom of movement because the Ministry of Interior will control and check their entry/exit etc. Even though the construction of a centre for unaccompanied children is welcomed, UNHCR remains concerned for placing the Centre inside the Jezevo Illegal Migrants Detention Centre compound, right at the highway, a few kilometres from the nearest settlement/town. In UNHCR's view, this is not an appropriate site for construction.

Czech Republic

It is still the case that the majority of all asylum applicants enter the Czech Republic at the Prague International Airport. Regardless of the way of entering the territory, the separated children are transferred to a special Blue School facility for foreign children and which serves to assess the child's maturity through social, health, educational, pedagogical and psychological diagnostics, which should help in trying to identify the best solution for each of the minors. After the diagnosis is completed (usually 8 weeks maximum), the children are transferred to a specialised foster home for foreign children called Permon. Both the Blue School as well as Permon also ensure that the child enrolls in an adequate education program.

While children below 15 are transferred to the Blue School right away, older children may be placed into the airport reception facility for up to 24 hours before being transferred to the Blue School. In such cases, however, they are always placed in the so-called "protection-zone", a special part of the facility, which is separated from the rest of the space and serves exclusively to the vulnerable cases.

For cases when a child is identified when already on the Czech territory, a special manual for ordinary constables was prepared in 2008 in a close co-operation with all the key stakeholders (Interior Ministry, Police, Ministry of Labour and Social Issues etc.). The manual should help the police to identify the cases of separated children as well as to properly proceed and to provide appropriate care. The manual should be disseminated in 2009.

Finland

The sudden increase in the number of separated children has caused problems to the reception system. Units are overloaded, and the ministry is occupied by establishing new units. NGOs are concerned about the weakened level of reception: many municipalities where units have been established have difficulties in providing services. There is a delay even for the basic medical examination, not to mention any therapeutic

services, and children have to wait even months before they can start school.

A new model has been introduced with adult education colleges (or folk high schools) accommodating young asylum seekers. The idea is that young people live and study intensively like in boarding schools. The curriculum is based on language skills and basic information on the Finnish society. However, there are also doubts whether the youngsters live too isolated and without enough psychosocial support or skilled personnel in these places. When the system is overloaded the children do not have possibility for a thorough individual assessment on what would be best for them or if they are e.g. in need of therapeutic services.

As an umbrella organisation, the Central Union for Child Welfare is also encouraging child welfare NGOs to actively seek for possibilities to provide their professionals and/or services in the reception of separated children. Some of them have actually started discussions with the responsible authorities on providing services in some scale. (The reception is mainly carried out by public sector, and so far the only NGO in the field has been the Finnish Red Cross.)

France

The situation of the shelter and accommodation of unaccompanied foreign minors has become very tense this winter, especially in areas like Paris. In spite of the efforts of the associations and child protection services, certain children slept outside, even in the dead of winter.

Germany

The Refugee Council of Schleswig-Holstein published guidelines on the treatment of separated children in Schleswig-Holstein. The brochure gives a detailed overview on best practise, procedures and legal advice. Special attention is given to reception and first contact with the authorities.

The Federal Association for Unaccompanied Minor Refugees (BUMF) developed guidelines on Section 42 of the German Youth Welfare Act, a provision on the process of taking children into care, which can be used as a benchmark. The guidelines contain legal and social advice for youth welfare offices and professionals in cases of reception. Background of the guidelines is an inadequate implementation of Section 42 of the Youth Welfare Act in parts of Germany.

In November 2008, the Federal Association for Unaccompanied Minor Refugees (BUMF) and the German Red Cross organised a conference on the wellbeing of children. Several experts discussed topics as the implementation of the UN CRC in Germany, the relevance and impact of Section 42 of the Youth Welfare Act and child protection as a global task.

Greece

In general during 2008 the Greek authorities sought to improve reception conditions for unaccompanied minors in accordance with established international and European standards. On July 2008 they took the initiative to establish a specialised centre in Agiasos on the island of Lesbos to cater for the temporary reception and care of unaccompanied children. UNHCR played a great role advocating for this accommodation facility.

The UNHCR Office in Greece has also been active in advocating for the establishment of a special reception centre in Patras, where more than 2,000 individuals live in a makeshift camp waiting to cross illegally to Italy, among which there are many minors. UNHCR's suggestions were endorsed by the authorities who expressed their commitment publicly to seek for and identify within the Patras' area an appropriate space.

Overall, reception conditions for separated children are substandard. The lack of sufficient space in reception centres for separated children is an ongoing problem, resulting in many separated children living in the streets.

Ireland

The Health Service Executive opened 1 home in line with the same standards as those for national children in residential care. Two other new homes should open in the future.

Italy

Save the Children Italy, in partnership with UNHCR, IOM and the Italian Red Cross, is working within the framework of the "Praesidium III" project, implemented in cooperation with the Italian Ministry of Interior with the aim of providing legal information to migrants upon arrival through the country's southern coasts, as well as to monitor the compliance of the services provided there and at residential centres for separated children with existing international and national standards.

The total number of separated children was 1,860, placed in 39 child reception facilities located in Sicily during May 2008 to February 2009. Most of those children have landed in Lampedusa whereas few others arrived at other parts of the Sicilian coast.

The main gaps in applying the above standards reported by Save the Children Italy concern the following areas:

Identification of children and age assessment procedures; identification and assistance of asylum seeking children and child victims of trafficking; legal assistance; information concerning rights, services available and status determination and communication; prolonged detention at border areas. Insufficient supply of basic goods and services; limited access to education, training and job opportunities; overcrowding and lack of reception standards in residential care facilities for separated children; delays in the appointment of a guardian and regularization procedures; high drop-out rate (see below under 'Missing children').

Moreover, since December 2008, following a decision, the transfer of migrants from Lampedusa to appropriate facilities elsewhere in Italy has been halted. This decision, supported by Maroni's Ministerial decree transforming the existing Centre for Preliminary Reception and Assistance (CSPA) into a Centre for Identification and Expulsion (CIE) for the period of 60 days (from 24th January to 24th March), has produced a series of unfortunate consequences, including:

Migrants are being detained for prolonged periods of time; insufficient access to individual identification and status determination procedure; insufficient access to asylum determination procedures and to effective legal remedy in the case of first instance refusal of the asylum application. Unsustainable overcrowding of the centre: from 21st January (date of the latest boat landing) to 18th February, more than 1,000 migrants have been detained in the Lampedusa centre, whereas the overall number of places available in the structure is 803; significant worsening of reception conditions far below minimum standards; lack of information and legal assistance for migrants about their status determination and rights, aggravated by the prolonged total deprivation of freedom.

Prior to developments in recent months summarized above, Save the Children Italy had already reported to the MoI (making its report available to other NGOs and International Agencies) the persistent lack of application of minimum standards in reception and assistance of migrants

held at the Lampedusa Centre (CSPA), with a specific focus on children.

Among the key-recommendations issued by Save the Children Italy to all relevant actors in charge of providing assistance and protection to children entering Italy through its Southern coasts, also on occasion of the visit by an EU delegation including the Commission Vice-President Jacques Barrot, are:

1) Ensure the prompt transfer of all migrants held in the Lampedusa Centre to other appropriate facilities, according to the procedures in place prior to December 2008, and to ensure that children are placed in child-specific centres.

2) Fully reinstate the previous nature and function of the Lampedusa Centre as preliminary reception and assistance facility where migrants are entitled to receive immediate assistance upon arrival while their transfer to other centres is being prepared.

3) Provide for regular training and additional recruitment, in order to strengthen the capacities of staff and authorities on migration and asylum law and procedures, child protection, foreign languages, in order to ensure proper assistance to migrants, especially children, including: legal advice, social assistance, information about their rights, status etc., cultural mediation and interpretation, and psychological counselling.

4) Establish and support a fully functioning referral system for separated children in Italy, allowing for their assistance and, in particular, timely transfer to appropriate facilities, in order to ensure full respect and promotion of their rights as children first and foremost.

5) Establish and regularly implement an effective monitoring system of the reception conditions in the above centres, which should envisage, inter alia, child centred monitoring tools that would reflect children's perspectives about services and staff conduct.

Lithuania

The separated children who apply for asylum in Lithuania are, according to the legislation, accommodated by the decision of the Migration Department under the Ministry of the Interior in the Refugees Reception Centre, where the appropriate living conditions are created.

The children accommodated in the Refugees Reception Centre are supplied with all the means required for their needs (material, hygienic, domestic etc.). They are provided with social assistance, the services of education, training, psychological assistance and medical aid. One social worker is responsible for the material supplies for

the unaccompanied alien minors. The other social worker, who is appointed as a temporary guardian of an unaccompanied alien minor, represents the interests of the unaccompanied alien minor in the legal procedures.

The unaccompanied minors are taught the Lithuanian language according to an individual program. The other minors attend the courses on vocational training and get desirable occupation after the graduation.

The programs of education and assistance are available in the centre, which are intended for the unaccompanied alien minors: the programs of moral, social skills, work activity, integration into the Lithuanian society, professional orientation and psychological assistance.

For the unaccompanied alien minors there are organized sightseeing tours, meetings with school children from the different secondary schools in Lithuania, festivals and trips during the children communicate with each other. It helps the children to adapt faster in the new environment and creates better conditions for their social integration.

Norway

In 2008, a chapter was added to the Child Welfare Act concerning separated children arriving in Norway. It concerns their rights during the asylum process while their application for asylum is processed. The law currently only applies to separated children under the age of 15.

Today there are seven care centres in Norway. The centre is required to possess sufficient resources and expertise for assessing and meeting the children's need for care, follow-up, help and support. But the migration authorities are still responsible for processing their applications.

The migration authorities are also responsible for the asylum seekers between the ages of 15–18 who come to Norway alone. They are offered to stay in separate reception centres or departments for separated children seeking asylum in Norway.

Today there are 12 separate reception centres for separated children. About 1,300 separated children live in reception centres. To meet the increase in the number of separated children the immigration authorities have had to establish several new places in reception centres in 2008 and 2009.

Poland

Polish law provides protection of the child on the basis of Art. 74 of the Polish Constitution. A child without parental custody has the right to assistance and custody on the part of the public authorities. According to Art. 72 of the Constitution, the

authorities are obliged to protect children's rights. Everyone may demand protection of the child from violence, cruelty, exploitation, and demoralization from the public authorities. It also includes protection of children from drugs, alcohol, pornography, prostitution and violent materials in the media, computer games and toys.

Unaccompanied minors seeking asylum in Poland are accommodated in an orphanage in Warsaw, whose part is designated specially for them. Some of them had reached the age of 18 before the end of the refugee procedure and moved to reception centres. Some are being reunited with their families abroad; in some cases parental custody has been restored.

In case of denial of refugee status, an unaccompanied minor shall remain in the facility they were assigned to or be placed in another location designated for their stay by the custody court with jurisdiction over the minor's place of residence until they can be handed over to the authorities of their country of origin whose statutory tasks include issues related to minors.

Other separated children are at arrival placed in emergency care centres rather than in children's homes.

The 1991 Education Act provides a legal framework for the education system in Poland. According to the Act, persons of concern (children) have access to a kindergarten system, and primary and lower-grade secondary education under the same conditions as Polish citizens. The burden of providing adequate education for all children under the age of eighteen is placed on the State. Separated children staying in orphanages, emergency care centres or reception facilities have access to education on the same grounds.

Separated children have access to the medical services financed by the State.

Portugal

In relation to reception, the article 26 of the law 27/2008 (Effects of application and decision), no 2, states that the temporary accommodation of unaccompanied or separated minors shall follow special conditions in accordance with international recommendations by the UNHCR, UNICEF and the International Committee of Red Cross.

Also, article 79, no 4, dedicated to unaccompanied minors, asseverates that an unaccompanied minor aged 16 years or over may be placed in accommodation centres for adult asylum seekers.

In fact, all the children that arrive unaccompanied in Portugal are lodged in CPR's Reception Centre.

Romania

Persons over the age of 16 are accommodated in Romanian Immigration Office Centres. For children younger than 16 years the national asylum law stipulates that they should be accommodated in the accommodation centres of the Child Protection Authority.

In Romania there are 5 regional centres for accommodation and procedures for asylum applicants in Bucharest, Galati, Radauti (Suceava), Şomcuta Mare (Maramures) and Timisoara (Timis). In October – December 2008, Save the Children implemented in all these centres, the project named "The assistance to asylum seeking children in regional centres for accommodation and procedures for asylum applicants - Romanian Office for Immigration". The project consisted of developing and implementing social services, counselling, educational and recreational activities, supplying centres with equipment, furniture and materials specific to these activities.

Since October 2008, Save the Children Romania has been providing assistance to 20 asylum-seeking separated children.

Through this project, asylum seeking children were helped to adapt to another society, another culture and to integrate in Romanian society. An essential role in the integration process is played by the educational and recreational activities which give them the chance to affirm their own identity and cultural values and at the same time to enlarge their horizon by adapting to the Romanian reality.

Slovakia

Unaccompanied minors, as long as they are asylum seekers, are placed in a special facility for under aged foreigners in Horne Orechove, established in 2005. They can stay in the facility until they are 18 years old, when studying until they are 25 years old.

Slovenia

There is still a lack of appropriate accommodation for separated children - for all categories: non-asylum seekers, asylum seekers, and refugees.

Spain

During the last three months, the Canary Islands have received 1,075 immigrants, among which 28 died and 140 claim to be minors.

Last September a boat (cayuco) from Senegal with 230 immigrants arrived in the Canary Islands with

25 minors on board followed by another boat with 100 immigrants.

On 15th February, a boat arrived to the Canary Islands with 25 dead persons on board, most of them minors.

On 10th March a boat with 65 persons, 43 of them minors, arrived to El Hierro in the Canary Islands.

The Government of Canary Islands publicly declared a situation of emergency in relation to the situation of minors in the islands where the centres for separated children were seriously overcrowded. In December, Paulino Rivero, president of the Autonomous Community of the Canary Islands, made a public statement on the critical situation of saturation of the centres for minors. About 1,500 children are being lodged in the centres of the islands with the capacity for 300.

Switzerland

Whereas just a little bit more than 10,000 persons requested asylum in Switzerland in the years 2006 and 2007, there were more than 16,500 asylum requests in 2008. The number of separated children seeking asylum increased from 219 in the year 2007 to 631 in 2008.

Quite a few cantons in Switzerland responsible for the reception of asylum seekers still struggle to secure the reception of new arrivals. This is a negative consequence caused by the Federal Administration in the last few years as the Federal Administration asked the cantons to be available for receiving 10,000 new asylum seekers per year. In the meantime, the Federal Administration needed to adjust its prediction and the financial support to the cantons accordingly. As it is very difficult for the cantons to (re)open adequate centres for asylum seekers quite a few cantons face problems to offer sufficient places. Once again, this problem hits especially vulnerable groups like separated children who cannot benefit from sufficient specialised reception centres in certain cantons.

United Kingdom

The UK government has confirmed that it will not opt into the European Commission Proposal to amend Council Directive 2003/9/EC Laying down Minimum Standards for the Reception of Asylum Seekers (Reception Directive) although it is happy to be included in the proposed revisions to Council Regulations 343/2003 EC on Dublin and 2725/2000 EC on Eurodac.

This decision has been criticised by NGOs and is the subject of discussion by a parliamentary committee to clarify whether or not the UK will

continue to be bound by the original Reception Directive.

Missing children

Austria

Statistics on this topic are not available. It is evident, that separated children from certain countries (Moldova, China) disappear more frequently than from others (Afghanistan, Sudan). The reason for this is mainly that they are ordered to do so from the community. Sometimes reception conditions are the reason for their disappearance.

D. arrived in Austria in August 2008. He was accommodated in a facility for separated children in Steyr. He did not attend German classes and he was not interested in going to school. Frequently he left the house – sometimes for days. As a consequence of this he lost his accommodation in September. In October when he had an interview at the Bundesasylamt Linz he was homeless, he had no money, no winter jacket and nothing to eat. The interpreter gave him 40 € to buy a jacket and something to eat. Shortly after the interview the Bundesasylamt made a negative decision. Because he was not available for the youth welfare agency, no appeal was made. Therefore, the decision became final.

In December 2008 the police caught him while working without a legal permission and brought him to a facility for separated children in Vienna. After a while he felt confident, he attended German classes and also stayed during weekends and nights. Two months later it was decided, that D. has to go back to Oberösterreich. After D. was informed about this and after a very incriminating meeting with the Ambassador of Moldova he disappeared.

Croatia

There is still no tracing system in Croatia and separated children continue to disappear.

Czech Republic

No overall data on disappearances are available. Most often, disappearances occur in case of older children aged 15-18 where the age is to be assessed based on the request of the Blue School. In 2008, the same applied to a group of 23 boys aged 15-17, all of whom arrived jointly in the Czech Republic and later disappeared from the Blue School facility in two or three groups.

It is estimated that in the course of 2008, some 30 asylum seeking separated children disappeared from the Czech Republic. According to the authorities,

such children, if caught, attempt - often successfully - to run away again. Due to such repetitive attempts, the statistical data on the runaways may often overcome the numbers of individual children.

All the missing children are registered in the state's Central Register of Missing Persons.

Finland

According to the Ministry of Interior 9 separated children left the system in 2008 before they got any decision to their asylum application, and they were registered as missing.

France

A study is in progress at the Swiss Terre des hommes (TdH) on the disappearances of MIE in Belgium, France, Switzerland and Spain.

Greece

The problem of unaccompanied minors who are reported missing from reception centres they have been referred to continues.

Ireland

More than 400 children who arrived as unaccompanied in Ireland over the past nine years remain unaccounted for, according to figures reported by the government to Fine Gael.

457 children have gone missing from State care. Of those, only 56 have been traced, leaving the fate of 401 unknown.

See also the press articles at

www.irishtimes.com/newspaper/ireland/2009/0212/1233867933236.html and

<http://archives.tcm.ie/businesspost/2008/10/26/story36916.asp>

Italy

Working in the framework of the Praesidium III Project (see above – Reception) Save the Children Italy has reported a high drop-out rate of separated children placed in reception centres in Sicily. A total of 1,119 children were notified as missing from the centres out of 1,860 accommodated, i.e. 60%, between May 2008 and February 2009.

In most cases, the children leave in order to try and join some relatives living in other areas of the country, and/or to reach bigger cities and towns where employment opportunities are broader.

Delays in the appointment of a guardian and regularization process, non-compliance with minimum standards in reception and lack of individualized sufficient attention (drop-out rate is higher in bigger centres and in those set up on an “emergency-base”) also explain the problem. As

most of children did not have a guardian (appointed to only 65 out of 1,119 who are missing) and did not receive a permit of stay that they are entitled to receive (only 12 children had it before leaving the centre) makes them even more exposed to risks of abuse, violence and exploitation.

The Netherlands

94 youngsters were placed in the pilot project centre to prevent the disappearance of undocumented children between January and October 2008. 16 youngsters have disappeared from the centre (2 boys and 1 girl from China, 1 girl from Nigeria, 1 girl from Sierra Leone and 11 boys from India). The security measures increased at the centre after these disappearances.

Today, probably as a result of the protected relief, a decline is seen in the disappearance of Nigerian girls and Indian boys. The intake of Nigerian girls and Indian boys has also decreased.

Norway

The Government published a state report about missing children last year. The Government has admitted that this topic has not been dealt with appropriately

The affected agencies pointed out that they needed to review rules and procedures, and that they wanted to aim at better teamwork in these cases. This is still the situation.

In May 2008 the national coordination unit for victims of trafficking (KOM) published a tool to identify children who may be victims of human trafficking.

Slovenia

The trend still remains of children going missing a few days after their arrival to the Asylum Home. Since July 2008 to March 2009, 16 separated children disappeared from the Asylum Home.

United Kingdom

The number of separated children who go missing from care continues to be a matter of grave concern. See

www.thisislocalondon.co.uk/news/4036214.Dozens_of_foreign_children_go_missing/

Dublin II practice

Czech Republic

During 2008, Dublin II was applied according to the Interior Ministry only to a limited number of separated children who travelled (i) from the CR to

reunite with their father living in Austria; (ii) into the CR from Germany during the boy's voluntary return back home to Turkey. In all the cases of Dublin II application, the children are placed in the Blue School facility before the transfer takes place.

Finland

There is a growing discussion about Dublin II. A decision of the High Administrative Court is now aligning returning to Greece: more people are returned there.

Finland has refrained returns of minors to Greece. The problem is, however, that separated children might have registered as adults there, even if they are minors. Also returns to Malta and Italy are worrying. There are several cases where separated children have contacted their former guardians after being returned to Italy – some of them live on the streets or at railway stations. There is a need to build some links between countries so that children and young people could be guided to services after being returned to another member state.

Greece

In practice, many European countries do not return minors on the basis of Dublin II. UNHCR has assisted in many cases of minors to be reunited with their families in other European countries.

Norway

As a result of the increasing number of asylum seekers arriving in Norway the Government announced 13 measures to reduce the number of asylum seekers arriving in Norway. Some of the measures will affect separated children in Norway, and one of them was that the Dublin II regulation will be applied more widely, also to unaccompanied minors.

The measure was implemented in October 2008, and says: "Norway's assessment of cases under the Dublin II regulations will be harmonized with practices by other member states to the effect that Norway does not make general exceptions from the regulations unless there are particular reasons to do so. An individual assessment shall be carried out concerning applicants who are to be returned to Greece and unaccompanied minors".

Poland

Using the opportunity of family reunification the Polish Office for Foreigners (governmental body responsible for carrying out the refugee procedure) issues decisions allowing to send children to the countries where they can join their families. The decisions are based on the Dublin II regulation.

Slovenia

In the beginning of 2009 one boy was returned from Germany under the Dublin regulation. The practice in Slovenia is that after their return separated children are first accommodated in the detention centre and after they have applied for asylum, again, they are transferred to the Asylum Home.

Spain

The Dublin regulation is not being applied in cases of unaccompanied minors.

Switzerland

In October 2004, Switzerland signed an association agreement to Schengen/Dublin. On the 12th of December 2008, this association agreement was fully implemented.

From the 12th December 2008 until end of March 2009, Switzerland requested 997 returns under the Dublin II regulations whereas other states requested 52 returns to Switzerland. 140 asylum seekers out of this 997 have so far been returned to another Dublin II State, 78 requests have not been accepted and 779 requests are still pending. Italy for example has so far accepted 316 return requests, what is considered by the Federal Office for Migration as very positive as Switzerland saves up to 12,000 Euros per asylum seeker who can be returned under Dublin II regulations.

In February 2009, the Federal Office for Migration decided not to return any vulnerable person, e.g. separated children, to Greece.

Unfortunately, we do not know yet how many separated children out of this 140 have been returned so far. It will be a challenge to try to influence those returns of separated children positively so that the return processes are organised in a child friendly way respecting an adequate protection and their best interest.

United Kingdom

The practice of returning children under Dublin II continues to be of concern, particularly the lack of appropriate reception arrangements made prior to removal. A court ordered that a boy be returned to the UK from Italy in December following a challenge to the UK government's practice. The full hearing is yet to take place.

In *Nasseri v Secretary of State for the Home Department* [2007] EWHC 1548 (Admin) it was held that the UK should not remove asylum seekers via the Dublin II Regulation to Greece in light of the lack of fair process there. The Home Office

appealed this decision and on 14 May 2008 the Court of Appeal (*R (on the application of Nasseri) v Secretary of State for the Home Department* [2008] EWCA Civ 464) reversed the earlier decision of the Administrative Court, ruling that asylum seekers could be returned to Greece under the Dublin II Regulation to have their asylum applications heard there. Leave to appeal to the House of Lords has been granted, the case of Nasseri was listed to be heard by the Appellate Committee of the House of Lords on 17 March 2009.

Procedures and Recognition

Czech Republic

The separated children applying for international protection are represented by their legal guardian during the whole procedure.

In 2008, a total of 34 new applications submitted by separated children were registered by the national authorities.

Out of 74 decisions, which were issued in 2008, asylum was granted to a total of 12 cases (9 from Ukraine, 1 from Iraq, 1 from Congo, 1 from DRC), while only 1 child received subsidiary protection (DRC). In 41 cases, the procedure was terminated as the application was inadmissible in only 11 cases, it is assumed that the remaining 30 procedures were terminated as a consequence of the child's disappearance.

According to the Ministry of Interior, there is one 1st instance decision maker in each asylum facility (including the airport) trained in interviewing children. Special training for this staff was organised by the Blue School experts. Moreover, each of these decision makers had to pass psychological tests. In a near future, however, it is expected that all the asylum interviews will be conducted by one specialised MoI staff member, who has recently been appointed for the separated children related agenda.

France

The extension of legal aid for minors wishing to appeal before the National Court of Asylum came into effect on December 1st 2008. But the lawyers who specialize in the right to asylum refuse to provide this legal aid as they deem it too poorly paid.

Germany

In summer 2008, UNHCR started a project funded by the European Refugee Fund over 18 months on

“Asylum Systems Quality Assurance and Evaluation Mechanism” (ASQAEM). Countries taking part are: Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia. The aim is to strengthen the quality of decision making in asylum procedures and thereby support the development and enhancement of quality oriented fair and efficient asylum procedures.

In Germany as well as Austria, a special focus is placed on the asylum procedures for separated children. The consultants in Austria and Germany working for the project attend asylum interviews and evaluate asylum decisions pertaining to this special vulnerable group.

Further methods are coaching and thematic exchanges with refugee status determination officers to find solutions to common challenges and identify “best practices” also using the trans-nationality of the project. Further information on the project at www.unhcr-budapest.org/files/leaflet.pdf.

In 2008, 727 separated children applied for asylum in Germany. Not included in these figures are separated children who applied for subsidiary protection status with the aliens authorities.

In the same period of time, 250 decisions were made by the Federal Office for Migration and Refugees. In 20 cases the procedure was otherwise closed (e.g. Dublin procedures). In 44% of the remaining 230 decisions refugee status was granted (mostly separated children of Iraqi nationality). In 4% subsidiary protection was granted by the Federal Office for Migration and Refugees. Data on subsidiary protection granted by the aliens authorities are not recorded.

Greece

All asylum applications were rejected at 1st Instance. In practice, at 2nd Instance asylum applications by minors are not examined so they are pending for many years.

Ireland

The Immigration Residence and Protection Bill brings some changes as regards the asylum determination procedure, the most important is that it establishes a single procedure for dealing with protection applications (considering refugee status, subsidiary protection and residence on the basis of compelling reasons).

Italy

In 2008, the Government has modified the legal framework regulating asylum procedures, making it more difficult to enjoy an effective judicial remedy.

In particular, appealing against a negative decision does not have suspending effect except in a few cases, and the time available to lodge an appeal have been reduced in some instances.

Lithuania

If refugee status or subsidiary protection cannot be granted for an unaccompanied minor, s/he gets a temporary residence permit to live in Lithuania till s/he turns 18.

Poland

Generally, unaccompanied minors and separated children applying for the refugee status in Poland follow the same procedure as other applicants. However, there are several differences concerning providing a legal guardian who assists with the proceedings. There are also special provisions regarding conducting the asylum interview.

The asylum interview has to take place under favourable circumstances with the participation of a guardian, a psychologist and an additional adult person, if specified by a minor.

UNHCR National Office in Warsaw is participating in The Asylum Systems Quality Assurance and Evaluation Mechanism (ASQAEM), co-funded by the European Union, which aims at promotion of adherence to common international protection standards and the full application of the 1951 Convention as implemented within the framework of community asylum related legislation. Within the scope of the ASQAEM, UNHCR is conducting the following activities with regard to children in the asylum proceedings:

- analysis of the current legal framework regarding separated children in Poland and its compliance with international standards, as well as Polish practice
- specialized training on conducting RSDP with regard to separated children, addressed to 1st instance eligibility officers, concerning respective legal provisions and developing interviewing skills,
- providing eligibility officers with reference materials on separated children

From among 8 countries, in which the Quality Initiative project is implemented, activities regarding separated children shall be performed in Austria, Germany and Poland.

As of March 2009, the completed activities include:

- translation of UNHCR materials on the determination of the best interest of a child
- Collecting proposals for organizing a training session on interviewing separated children in RSDP

Portugal

The alien or stateless person who enters into Portuguese territory with the purpose of obtaining asylum shall lodge an application with the Portuguese Immigration Service or any police authority within 15 days, either orally (subsequently confirmed through a written official document) or in writing (Article 13, 27/ 2008 Law). Afterwards it is remitted to the Immigration Service within 48 hours, who are obliged to inform the UNHCR representative and the Portuguese Refugee Council as soon as the request is lodged.

The applicant may request an extension of the asylum application to include the family members who accompany him or her, whether minors or adults, and the application shall, in this case, be preceded of a previous explicit consent of those persons, otherwise it shall be considered inadmissible. In the case of minors, they may lodge an application on his or her behalf.

In relation to the statements present in the Portuguese asylum procedure, if the application is lodged by a minor, it shall be incumbent on the Portuguese Immigration Service to report the situation to the Portuguese Refugee Council for representative purposes.

The decision shall be notified to the applicant along with information on his or her rights of judicial review, and shall also be reported to the representative of the UNHCR and to the Portuguese Refugee Council.

Romania

All cases submitted by separated children, assisted by CNRR, Romanian National Council for Refugees, were rejected in the administrative procedure.

One case of a former declared separated child was granted subsidiary protection by local court sector 4. The drafting of the decision is pending. Romanian Immigration Office appealed the decision of the local court.

CNRR has promoted the inclusion of the principle of the best interests of the child in all decisions of asylum authorities. At the administrative stage of the procedure no reference to the principle was included in decisions.

Spain

Regional administrations continue to delay the resolution of the residence permit process for separated children so that, when children turn 18, they don't have any documentation and in many cases they have to live in the street.

In different Autonomous Communities there are centres for the emancipation of these young people who turn 18 but the lack of support means that there are not enough places and only a little number can access them.

Sweden

In March 2006, a new Aliens act and asylum process, with administrative courts responsible for appeals instead of an administrative authority, entered into force. One stated aim of the reform was to increase the recognitions of protection needs and decrease the use of "humanitarian" grounds.

The rate of granted refugee status has increased from 8% in 2006 to 20% in 2008 and for separated children from 2% to 7%.

The recognition of subsidiary protection has also increased and less asylum seekers are granted residence permit on "humanitarian" grounds.

The fact that the percentage of recognised protection needs has increased is welcomed. However, it is most worrying that it happens at the expense of approved residence permits. Approved residence permits have in total decreased from 42% in 2006 to 24% in 2008.

United Kingdom

Quality Initiative Audit: In mid-2008, UNHCR commenced an audit of the quality of interviews and decisions in children's asylum claims. The audit is being conducted through the Quality Initiative ("QI") Project - a joint project run since 2004 by UNHCR and the UK Government with the aim of evaluating and improving UKBA's asylum determination process.

The QI project team is currently assessing the quality of asylum decision-making in children's asylum claims and the extent to which child sensitive approaches are employed in evidence-gathering; interviewing and assessment of the claim. The audit covers asylum claims where the child is the principal applicant in the claim.

In line with previous audits conducted by the QI project, UNHCR will report directly to the Minister for Borders and Immigration on the findings from its children's audit.

UNHCR will report in particular on legal reasoning in children's asylum claims, use of country information, expert evidence, assessment of credibility, interviewing procedures and the application of other policies and procedures which may impact on the quality of the first- instance asylum decision.

Family Tracing and Reunification

Croatia

According to article 26, para. 3, the Ministry of Interior shall take necessary steps in order to find parents of a minor. However, Croatia is still a novice in the field and UNHCR supports the creation of an efficient family tracing and reunification system.

Czech Republic

According to the authorities, the majority of the separated children claim to have no parents or other legal guardian. In individual cases, nevertheless, parents have been traced with the assistance of NGOs and the Red Cross.

France

The delays and checks on family reunification in France continue to create victims: just recently, a 12 year old Congolese girl, whose father lives in France and who had left Congo after the death of her mother, was retained for 4 days in the waiting zone at the Orly airport because she had arrived “without valid entry papers,” according to the police. According to the RESF (Education without Borders Network), the two visa requests made by the father for his daughter to join him in France had been rejected.

Germany

In December 2008, the German Red Cross published a booklet on the legal basis of family reunification in Germany. It can be ordered at suchdienst@drk.de or downloaded from www.drk.de/suchdienst/.

In August 2007, a new provision of the Residence Act entered into force which entitles parents of separated children who are recognised as refugees in Germany to be issued a residence permit. According to the German Central Aliens Register, on 31 December 2008, 211 persons (i.e. parents of recognised separated children) were staying in Germany due to this provision.

Ireland

The ORAC publishes statistics on Family Reunification at: www.orac.ie/pages/Stats/2008.htm

Italy

Save the Children Italy often receives reports of difficulties to obtain family reunification, affecting

also asylum seekers, mainly related to obstacles in obtaining visas.

Lithuania

When the Migration Department receives the information about an unaccompanied alien minor, they immediately have to organize the search for the family members with the particular organizations and the temporary guardian of the unaccompanied alien mirror.

The issue of the legal status in Lithuania of an unaccompanied alien minor is addressed when conducting the search for the family members. The goal of the search is to ensure the respect of the family unity. The search for the parents and the family must be started immediately after the arrival of the child.

The guardian of the child must participate in the process of the search. The search must be conducted not menacing to the other family members. The offices on the UN and the International Committee of the Red Cross figure as the most important organization conducting searches, so the governmental and other organizations, taking care about search, have to collaborate with these offices.

It is necessary to inform the children about the searches and to discuss with them, seeking to ensure, that there are created the possibilities to affect and to understand the making of the decisions and the actions concerning them.

Poland

In cases of asylum seeking unaccompanied minors, the Head of the Office for Foreigners is obliged by the Aliens Protection Law to undertake any steps to trace the family members of a minor. When the search is successful, reunification procedures are initiated.

Portugal

The Portuguese Immigration Service, in articulation with other authorities involved in the procedure and the Portuguese Ministry of Foreign Affairs, and with the purpose of protecting the best interests of the unaccompanied minor, makes an effort to trace the members of his or her family as soon as possible.

In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care is taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.

Slovakia

The Ministry grants asylum according to family reunification to parents of a child that has obtained asylum according to § 8, if he/she agrees with this. The asylum seekers have to be in the Slovak Republic during the asylum procedure.

Slovenia

In March 2009, a separated child from Afghanistan was reunited with his siblings in Finland.

Sweden

The Administrative Court of Appeal has in a decision from January 2009 rejected an asylum application from a separated girl from Burundi, who claims that she does not know if her parents are alive. The court states that “it is presumed that X may get satisfactory care by reunification with a relative or at least by an organisation or institution in Burundi.” This is one case, among others, that shows how difficult it is for separated children to get residence permit in Sweden. According to Save the Children the assessments are getting more and more restrictive and the investigation of the possibility to get satisfactory care is deteriorating.

In October 2008, the Migration Board (MB) started a project with the aim to find methods to trace parents and other relatives to separated children. They will explore the possibility to find persons to be entrusted with family tracing. The person shall be connected to the Swedish embassy. They also explore the possibility to use organisations. Visits have been made to Kenya and Jordan.

Switzerland

In the last two newsletters no 29 and no 30 we reported about a 10 year old separated child from the Democratic Republic of Congo who arrived in the Netherlands nearly two years ago and whose mother applied for asylum in Switzerland at the end of 2001.

At the beginning of 2009, the mother herself submitted a request for family reunification in Switzerland after the Dutch authorities received a negative answer from their homologue in Switzerland for the same purpose. As the mother benefits in Switzerland from a provisional admission to stay since around one year only, the Federal Office for Migration did not accept her request because she would need to be in the possession of the provisional admission permit since at least three years. And even then, the mother would need to fulfil other conditions like a decent financial income

or an apartment that is big enough for her and her child.

A few weeks after receiving this negative answer, we learnt that her son arrived safely in Switzerland. The mother is not aware who organised this trip for her son from the Netherlands to Switzerland. It seems that some people around the boy in the Netherlands were fed up with the separation of mother and son and assisted the boy to join his mother in Switzerland – in their own way. Shall such individual initiative persist because States do not respect the rights of children to be with their parents by hiding themselves behind foreign law restrictions?

If everything goes smoothly, the boy who just arrived in Switzerland will now receive the same provisional admission as his mother. The guardian of the boy in the Netherlands has never applied for asylum in the name of the child. Therefore he cannot be returned to the Netherlands under Dublin II regulations. Otherwise, we guess the Dutch authorities would not be very keen in taking the boy back as the Swiss authorities did not want to collaborate either in an earlier stage.

Return

Austria

During 2008, there have been some cases of voluntary return. In one case UNHCR was asked to and conducted a best interests determination.

Croatia

According to Article 75 LoF “the safe return of an alien who has the victim status shall be conducted by the Ministry taking into account his rights, safety and dignity. If possible, the return should be voluntary.

Minors who are the victims of trafficking shall not be returned to any state if, after an evaluation of the risks and safety, there are indications that the return would not be in the best interests of the minor”.

Czech Republic

In 2008, there was one case of a voluntary return registered by the authorities. The 17 years old boy wanted to be reunited with his family in Turkey, who turned out to be very co-operative thorough the whole process.

France

The new bilateral Franco-Romanian accord announced in the preceding newsletter has still not been submitted to a vote in Parliament. Certain members of Parliament, including within the

governing majority, join the associations in saying that this is not good. But the Members of Parliament cannot amend it.

In November 2008, operations of selective police tracking of Afghan nationals were reported in the surroundings of Calais, carried out in view of their collective expulsion back to their country; some of them declared themselves minors. Due to the protests and the media coverage by different associations, the government finally gave up on the idea.

Germany

In June 2008, the German Red Cross held an expert meeting on prospects of return counselling. The Federal Association for Unaccompanied Minor Refugees (BUMF) gave an overview of necessary principles concerning the topic of return of separated children. An expert of the Red Cross presented a project proposal on how to include minors into the return counselling. A report on the conference (in German language) can be ordered through Mr. Walker, Red Cross General Secretariat; at walkerh@drk.de.

Italy

A law proposal presented by the Government on criminalizing prostitution (see below) includes the provision of fast-track and simplified measures for returning separated children (third-country nationals) who have been “involved in prostitution”. Save the Children Italy and other organizations have been advocating against such provision, as it discriminates a group of children and does not comply with best interests principle, according to which a durable solution which permits the realization of his/her rights should be envisaged for each child, return being one possible option. Moreover, in the specific case of children involved in prostitution (very often victims of trafficking and exploitation), the risk of reprisal and stigmatization, and the socio-economic conditions which often constitute an important push-factor, should be carefully assessed in a timely manner - which conflicts with simplified and fast-track measures above.

A different law proposal by the Government extends the above provision to EU national separated children – within the available state budget resources.

Furthermore, in compliance with the Italy-Romania Agreement “on the cooperation for the protection

of unaccompanied children and children in difficulties from Romania”, the Italian Ministry of Interior has worked out procedures aimed to identify and return these children from Italy to Romania. As expressed by Save the Children – consulted by the MoI along with a number of other NGOs, CSOs and IOs, some of the basic child rights principles are not taken into account by the above agreement and implementing procedures, including that: the best interests determination is not mentioned as the starting point to identify a durable solution for each child: accordingly, no best interests assessment is envisaged; return is apparently the main aim of the agreement and the only option provided thereby, even when it is not possible for the child to be reunited with his/her family; child participation is not envisaged; a group of children are thus treated separately according to their status (separated/in “difficulties”) and nationality (Romania), against the non-discrimination principle; no clear risk assessment procedures in the country of origin are envisaged in preparation of return, which is even more concerning as several children from Romania are victims of trafficking and exploitation in Italy.

Lithuania

Return of an unaccompanied alien minor to the country of origin can be analyzed, if it can be stated that the child has no right obtain refugee status and does not need the protection or the situation in the country of origin has changed essentially and for a long time.

The Netherlands

A goal of the government is the speedy return of unaccompanied minors who are not eligible for a residence permit in the Netherlands. According to the government they must return to their country of origin as quickly as possible. The government states that the children often have family living in the country of origin and the government wants to prevent them from becoming foreign nationals who reside illegally in the Netherlands without a residence permit.

Measures that have already been taken in the past few years include new accommodation in Angola and Congo, rapid response teams in Nigeria to prevent minors from being flown to the Netherlands.

NGO’s criticise the fact that the Dutch government does not monitor what happens with the children when they return to their country of origin. It is possible that the family of the child was responsible for trafficking of the child.

From the pilot project centre to prevent the disappearance of undocumented children, three youngsters returned to their country of origin. At the end of August 2009, the project 'Beyond borders' (a project of a national organisation for the protection of the interests of juvenile asylum seekers called SAMAH) will come to an end. Till now there are about 55 juveniles accompanied to Sierra Leone and Angola. The future in Sierra Leone is insecure. In collaboration with IOM, there is a youth worker from SAMAH for the juveniles who are returned to Sierra Leone.

Poland

Both asylum and aliens legislation contain special provisions regarding deportation of unaccompanied minors. According to Article 94 of the 2003 Aliens Law, a decision ordering deportation of an unaccompanied minor to his/her country of origin or another country may be enforced only if care will be provided to him/her in that country by one of his/her parents or other adults, or by the relevant juvenile welfare institutions, in accordance with the standards provided for in the 1989 Convention on the Rights of the Child.

Slovenia

From July 2008 to March 2009, nine separated children were returned to their country of origin.

Spain

In the period analysed in this Newsletter repatriations of separated children stopped. One of the explanations is that the Tribunal started to stop the execution of repatriations detecting irregularities in the files and stating they were against the law.

Last August the UN Committee of Human Rights presented a report to the Spanish Government denouncing irregularities in the repatriation of separated children to their country of origin, especially Morocco, declaring these children were spending long periods of interment without legal assistance. Moroccan children accommodated in centres of Gran Canaria and Tenerife were repatriated without verifying if their families or appropriate institutions would receive them. It also stated that Spanish authorities did not check if these minors were receiving ill treatment by other children, adults, staff of the centres or police.

Last September, the Memory of the Director of Public Prosecutions released statistics of repatriations of separated children: 18 repatriations in 2007 (13 Moroccan children and the rest from

Ukraine, Paraguay, Bolivia and Colombia) and 111 in 2006.

The Director of Public Prosecutions, after a study of separated children files for repatriations in 2007, affirms a worrying and frequent failure to carry out the fundamental proceedings and to respect guaranties. It says that in 2006, sentences of Tribunals stopped the execution of repatriations because of the lack of guarantees, the failure to hear the minor and to locate their families.

In October 2008, the Human Right Watch report "Returns at any cost – Spain's push to repatriate unaccompanied children in the absence of safeguards" was published. It states that the Spanish government was carrying out repatriations of separated children without the proper guarantees, without looking for information on what could happen to the minor in his country of origin, without hearing the child and offering the right to legal representation (a right that adult migrants have, according to the Spanish law). In the last 2 years Spanish tribunals stopped the execution of 24 repatriations because they were considered against the law. The report informs about the intention of the Community of Andalucía to repatriate up to 1,000 children that are under its custody to Morocco, arguing that the repatriations follow all the guarantees. The report also says that the repatriation agreements that Spain signed respectively with Morocco and Senegal do not have the basic proceedings to guarantee the rights of the children.

The initiatives to build protection centres in Morocco to facilitate the repatriation of Moroccan separated children continue. In a meeting between Spain and Morocco in November 2008, it was decided to open 2 centres for minors in Nador and Beni Mellal in June 2009, financed by Spain. These centres will receive Moroccan separated children repatriated from Spain and the potential Moroccan children who are planning to migrate. In the future, 2 more centres will be opened in Tetuan and Salé.

The Community of Madrid built a centre in Taghramt (near Tangier) and another centre will be opened in a year in Marraquech.

The Community of Cataluña built a centre in Tangier. It's known as the Cataluña-Magreb programme financed by the European Union. Until now only 7 children have been returned, the programme expected to return 162 children.

Also the Community of Andalucía announced that it is going to invest 2 million Euros to rehabilitate 6 buildings in Morocco to accommodate 500 children.

United Kingdom

In the case of *CL (Vietnam) v. Secretary of State for the Home Department* it was held that where an unaccompanied child seeking asylum appealed against the refusal of his claim and removal directions, it was necessary for the Immigration Judge, when considering that child's human rights, to determine whether the reception facilities for the child on return were adequate. It was not solely an issue for the Secretary of State for the Home Department to determine.

Trafficking

Austria

'Development of guidelines for the collection of data on trafficking in human beings, including comparable indicators' is a project implemented by the Austrian Federal Ministry of the Interior in cooperation with the IOM

Main events were an Expert Conference on THB Data Collection, 18-19 September 2008 and a Vienna Conference on THB Data Collection (high-level), 23-24 February 2009.

Czech Republic

While official data are not available yet, there were no cases of trafficking of separated children reported to UNHCR in 2008.

In 2004, the Criminal Code¹ introduced a newly defined crime of trafficking in human beings². This provision also applies to trafficking in children.

The National Plan to Combat Commercial Sexual Abuse of Children for the period 2006 – 2008 dealt comprehensively with all aspects of exploitation and trafficking in human beings, including important measures that should increase protection of children from all types of their abuse.

All measures in this document are geared towards increasing protection of victims of sexual exploitation, increasing prevention and social reintegration. Among other issues, the Plan highlighted the need to provide quality and free assistance services to children who act as witnesses or victims in criminal proceedings, including social

¹ Act No. 537/2004 Coll., amending the Criminal Code came into effect on 22 October 2004.

² of Section 232a of the Criminal Code. Thereby merits of the crime of trafficking in human beings have been harmonized with the definition set out in the Protocol to prevent, suppress and punish trafficking in persons, especially women and children supplementing the United Nations Convention against Transnational Organized Crime.

services, psychological services and legal counselling. The majority of these services are currently already being provided by both authorities for social and legal protection of children and NGOs.

In 2008, the National Plan to Combat Commercial Sexual Abuse of Children was replaced by the National Strategy on Prevention of Violence against Children in the Czech Republic for the period 2008-2018 that will address all forms of violence committed against children, i.e. sexual abuse of children without commercial aspect and maltreatment and other abuse of children.

In connection with this plan a feasibility study has been prepared by the Centre for Missing and Exploited Children that should contribute to higher protection of children from all forms of violence.

Finland

No confirmed trafficked cases are known. There were some separated children where Finland might have been used as a transit country. There were all together 8 minors registered to the system as possible cases in 2008. They are accommodated to a certain group home, which is especially planned for possible trafficking cases. However, these did not lead to any further actions like prosecution at court, nor did the children themselves express that they were victims of trafficking.

Because the number of separated children has increased radically and the system is overloaded, there is a concern that there might be transit cases which are not spotted and picked up due to lack of individual assessment.

France

A phenomenon of prostitution of young and even very young Romanians has been observed since the summer of 2008 in the area around a large Paris train station. For the moment it is difficult to establish clearly whether this is a trafficking network or an organization of the young people themselves. In a recent circular (Feb. 5th 2009), the new Minister of Immigration gives more details about how to enforce an article of CESEDA (Code de l'Entrée et du Séjour des Etrangers et Demandeurs d'Asile) which promises to grant a residence permit to foreigners who are victims of prostitution or trafficking and who would cooperate with judiciary authorities (by denouncing their traffickers).

Children are concerned too: those above 16 who want to work – the only minors who need a residence permit to remain on French territory – will be given a residence permit under the conditions of the circular. The same goes for foreigners who have cooperated, under the

conditions of the circular, with judiciary authorities while underage, they will be granted a residence permit at 18.

This circular being very recent, it is difficult to estimate its effects. Nevertheless, it raises questions about the protection of children who are ready to denounce traffickers against eventual reprisals, as well as the protection of their family in their country of origin.

See Circular N° IMIM0900054C at www.france-terre-asile.org/images/stories/pdf/circulaire_besson_04_02_09.pdf

Greece

Although there is no data available to UNHCR, there are serious concerns that trafficking of separated children takes place in Greece to a great extent.

This concern is confirmed by the numbers of missing children from reception centres as well as by the harsh living conditions and exploitative environment of many separated children in the streets and in deserted houses.

UNHCR has indications of the existence of a trafficking network operating in the Patras makeshift camp.

Ireland

Structures

- An Anti-Human Trafficking Unit has been set up in the Department of Justice, Equality and Law Reform at the end of 2007.

- A new High Level Group on Combating Trafficking in Human Beings has been established. The Group includes representatives of statutory agencies, which are responsible for preparing the first National Action Plan. Members of this High Level group meet on a quarterly basis with representatives from NGO's and international organizations in a National Roundtable.

- Feeding into the work of the roundtable, 5 thematic groups have been created, one dealing with child trafficking.

Legislation

- Criminal Law (Human Trafficking) Act 2008 came into force. This Act contains provisions criminalising trafficking in children for the purpose of labour exploitation and the removal of organs for exploitative purposes.

www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/acts/2008/a0808.pdf

- The Department of Justice, Equality and Law Reform published in June 2008 Administrative Immigration Arrangements for Protection of

Victims of Human Trafficking. This deals with the reflection and recovery period as well as temporary residence permission for trafficked persons (including victims from other EU/EEA countries). These administrative measures state that: "Where the person is under the age of 18 years regard will be had to the best interests of the child in the granting and revocation of temporary residence permission." The document is available on: www.justice.ie

- According to the Anti-Human Trafficking Unit the Irish government plans to be in a position to ratify the CoE Convention on Action against Trafficking in Human Beings in 2009.

Initiatives

An Awareness Raising Campaign was launched on 21st October 2008 to raise awareness to the problem of human trafficking among the public, law enforcement and professional personnel. The key theme of the campaign is 'Don't Close your Eyes to Human Trafficking' and the blue blindfold represents the risk of people having their eyes closed and being unaware of the crime that may be going on around them. Further information on the indicators of human trafficking and the campaign is available by visiting www.blueblindfold.gov.ie.

More Information:

- Irish Refugee Council Submission on Section 124 of the Immigration, Residence and Protection Bill and other provisions related to the protection for suspected victims of trafficking, 13 March 2008.

- Jyothi Kanics' article on Child Trafficking and Ireland, Studies, Vol.97, Issue 388, Winter 2008. www.studiesirishreview.ie/j/page668

Italy

A law proposal presented by the Department of Rights and Equal Opportunities, currently under review at the Parliament, is changing the approach towards prostitution that is applicable in Italy since late 1950s. The proposed law criminalize, on equal footing, both individuals involved in prostitution and clients.

A large coalition of NGOs, CSOs and local institutions is advocating against the adoption of the law, as it approaches a very complex issue solely through introducing more repressive measures, which very likely would have a negative impact on the already challenging process of identification of persons at risk or victims of trafficking and exploitation in the sex trade, including children.

A law proposal is criminalizing “involving children in begging”. Disproportionate sanction (anti-trafficking and exploitation measures already cover the crime of exploiting children in any form, thus is applicable to exploitation in begging) plus concern for possible effects in terms of protecting children involved in begging by facing a complex phenomenon only in crime-control terms (e.g. parents leaving children unattended for fear of persecutions).

The Netherlands

65 foreign minors were identified as child victims of trafficking in 2008 and furthermore there were 104 Dutch minor victims of trafficking.

In the report 'People protected and trafficking contested', February 2009, from the Advisory Committee on Migration Affairs (ACVZ), the Advisory Committee gives recommendations for a balanced protection regime for victims of trafficking. The vulnerable position of unaccompanied minors who are victims of trafficking requires a precise treatment in which there is attention to their specific circumstances. Particularly when the time of relief from the centres approaches there is a great risk that the unaccompanied minors fall in the hands of traffickers again. The return of unaccompanied minors at risk, according to the ACVZ, requires an intensive support of the child with rehabilitation and search for perspectives. NGOs should have access to the children in the pilot centre to guide them.

Norway

The national coordination unit for victims of trafficking (KOM) launched its tool for identification of victims in May 2008. The identification tool has been developed by the government in close cooperation with different NGOs. The new tool for identification is expected to be of great help to practitioners that meet children at risk in their work.

Save the Children Norway has an internet site on trafficking. It gives information in 7 languages: www.hvisk.no

Poland

According to the Polish Penal Code (of 1997), trafficking of human beings is penalized. It covers the crimes committed against foreign children on the same basis as against other categories of persons. The same provision also penalizes illegal adoption.

The main problem with the application of the regulation is the lack of a definition of what “trafficking of human beings” is. Sometimes it is easier to qualify the criminal act as a sexual violence or employment of persons under 16, which is forbidden with a few exceptions.

A special working unit operates in the Ministry of Interior and Administration, for the purpose of preventing and combating trafficking of human beings. It helps to coordinate actions of different entities addressing the issue, such as the Police, the La Strada Foundation and Nobody's Children Foundation.

Portugal

There are not any data available regarding trafficking of minors. It is important to mention that the Resolution no 81/2007 of the Council of Ministers establishes the first National Action Plan Against the Trafficking of Human Beings, which contemplates specific policy areas for children, taking into account their vulnerability.

Also, a National Observatory to identify victims of trafficking has been created by the Portuguese government.

Spain

In October 2008, the Spanish government adhered to the Council of Europe Convention on Action against trafficking in human beings.

In December 2008, the Spanish Government approved the National Action Plan against trafficking for sexual purposes in human beings.

In February 2009, the Council of Ministers adhered to the Council of Europe Convention on the Protection of Children against sexual exploitation and sexual abuse.

United Kingdom

There are no official figures on child victims of trafficking. The Refugee Council Children's Panel have worked with approximately 20 trafficked children during this period.

The UK government ratified the Council of Europe Convention Against Human Trafficking, see press.homeoffice.gov.uk/press-releases/government-ratifies-convention

Children and Youth Participation

Germany

In 2008, the Federal Association for Unaccompanied Minor Refugees (BUMF) established a project to encourage participation of young refugees and separated children. The project supported a conference held by J.O.G. (Jugendliche ohne Grenzen/Youth without Frontiers) in Potsdam in November 2008.

In cooperation with a group of youngsters the project organized a workshop at the spring-conference of the BUMF at the end of March 2009 and will be part of the preparatory process for the BUMF's autumn conference.

Ireland

A youth from 'Somali Youth of Tomorrow' participated in the SCEP Daphne funded youth network project.

Italy

In early 2008, Save the Children Italy carried out a consultation involving twelve children living in the region of Lazio (central Italy), aged between 14 and 18 from Afghanistan, Albania, Ecuador, Moldova, Guinea, Peru, Romania and Italy (some of the children belonged to the Roma ethnic minority). The aim of the consultation, commissioned by the Regional Ombudsman for Lazio, was to seek children's opinion on reception, protection and participation of foreign children in Italy. The main recommendations formulated by the children were:

- Ensure to all children placed in residential care facilities the possibility to talk more often with their families back home;
- Monitor the quality of assistance provided in residential care centres for separated children and Roma camps, including the availability of spaces for recreation and leisure;
- Increase the number of professionals in Roma camps;
- Raise awareness about children's rights and whom to turn to in case of need among foreign children/children belonging to ethnic minorities;
- Ensure a higher level of safety for foreign children/children belonging to ethnic minorities, especially in cities (on buses, at night, in some specific districts);
- Enhance integration at school, with a particular focus on extra curricula activities (with the aim to improve relationships among pupils and students in their free time);
- Create spaces and opportunities for conflict mediation among children.

Norway

Two boys from Norway participated in the SCEP Daphne funded youth network project.. They have presented the project and their experiences to Save the Children Norway's members and staff.

In one of the reception centres for separated children, some young boys have initiated to build up a peace club. They will, together with Save the Children Norway and members of Save the Children, meet regularly and will together find a way to actively participate to realise their rights.

It was two separated children who took the initiative to create a peace club after participating in a workshop on children's participation in armed conflict, post conflict and peace building. In February, Save the Children Norway arranged the workshop based on a global thematic evaluation of Save the Children Norway's work on children's participation in the programme contexts of armed conflict or post conflict and, with a particular focus on children's participation in peace building.

Portugal

Regarding participation, minors needs are taken into consideration through the respective guardian or designated representative and shall be periodically assessed by the competent authorities, taking into account the minor's opinion in accordance with his or her age and maturity level – inscribed also in the asylum law.

Miscellaneous

Czech Republic

Since the opening of the Blue School, an informal working group is meeting regularly in the facility to discuss the most urgent issues in the field of protection of the separated children.

The WG, hosted by the Blue School and presided by one of the Czech NGO, includes representatives of the MoI Dept. of Asylum and Migration Policy, the MoI Security Dept., Police of the Czech Republic, the Directorate of the Alien Police, representatives of the Ministry of Education, Ministry of Labour and other relevant partners.

Ireland

The Irish Refugee Council and UNICEF Ireland started a collaboration aimed at making the future single protection procedure more child-friendly.

Italy: Hundreds of unaccompanied children who arrived illegally in Italy have disappeared without a

trace since June. Although there is no hard evidence, it is feared that some of the children could have been seized by human traffickers and other criminal organisations. The children have vanished from communities in the southern Sicilian province of Agrigento where they are transferred after arriving on the southern Italian island of Lampedusa and on the western island of Sardinia.

Save the Children Italy and other charities are planning to launch a pilot project in Rome soon to offer legal advice, health services, recreational facilities and information on criminal gangs looking to exploit vulnerable children.

With the number of irregular migrants arriving in Sardinia - mainly from Algeria and Tunisia - slowly but steadily increasing, IOM has opened a new office at the Elmas reception centre in the south of the island. Last year almost 1,600 migrants reached Sardinia by boat, many of them arriving at the Elmas reception centre, which has a capacity of 350. IOM has also had a presence at migrant reception centres in Lampedusa and Sicily, together with UNHCR and the Italian Red Cross, since 2006.

The Netherlands

There is a new project, called Free2Choose. Education materials about sexual health will be developed together with juveniles in locations for asylum seeking separated children.

For SAMAH, the juveniles' there was a weekend on the 3rd till the 5th of April 2009 with a lot of workshops and a lot of fun.

Poland

The national, free support line - 116 111 – for children and adolescents was established by Nobody's Children Foundation on 6 November 2008. The telephone consultants provide the advice and assistance for children reporting on problems.

Portugal

The Portuguese government and Lisbon Municipality, in partnership with Swatch and CPR, are endeavouring the creation of the first centre for separated children, in Portugal. Lisbon Municipality, among other initiatives, is going to provide the land for the construction, the Ministry of Internal will contribute financially, but the major donor will be the Portuguese Swatch. CPR will be the institution managing this centre.

Spain

Last February, the Ombudsman published a report on the protection centres for minors with

behavioural disorders and social difficulties. The investigation showed that in some centres the children were victims of ill treatment and violation of human rights. Recently a 12 year old separated child committed suicide in one of these centres.

Last September about 60 separated children decided to leave the centre "La Purisima" where they lived, in Melilla, because of the institutional ill treatment that they claimed to have suffered. They preferred to live in the street waiting to escape by boat to the main land. The youngest was 8 years old.

United Kingdom

As of December 2008 Save the Children UK will no longer be working on refugee protection. This applies to their policy and programme work, and they will be concentrating on other children's issues.

Events

18 September 2008, Ljubljana, Slovenia

Seminar organised for professionals working in the field of migration, asylum and social care
Organised and implemented by Slovene Philanthropy

The situation on separated children in Slovenia and Statement of Good Practice were also presented.

30 September 2008, Barcelona, Spain

The situation of separated children in Cataluña
Organised by Save the Children and the Government of Cataluña

1 October 2008, Vienna, Austria

'Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors' (EUAM)

Organized by IOM in corporation with the Austrian federal ministry of the interior

Panel discussion with among others UNICEF, Institute for Human Rights, Austrian Ministry of Justice have been invited

3 October 2008, Clonliffe College, Dublin, Ireland

Developing Inter-Agency Strategies for working with Foreign National Young People

Organised by the Foreign National Young People Working Group of YPAR (Young People at Risk Initiative).

22 October 2008, Sevilla, Spain

The violation of the rights of the child and the international protection

Organised by Save the Children, UNHCR, and the Municipality of Sevilla

22 October, Brussels, Belgium

Exchange of information and best practices on first reception, protection and treatment of unaccompanied minors.

Organized by IOM

23-24 October 2008, University of Ghent, Belgium

Trafficking, care and reception of unaccompanied minors'

24 October 2008, Copenhagen, Denmark

Conventions under Pressure - Conference to celebrate the UN Day

Danish UN Association, Amnesty International - Denmark, the Danish Refugee Council and Save the Children Denmark together organised the conference in order to focus on the growing tendency not to respect conventions in general – using the Refugee Convention and the Convention on the Rights of the Child as examples.

26 October – 1 November 2008, Strasbourg, France

Raising young refugees voices in Europe today' Training seminar organized by the Directorate of Youth and Sport of the Council of Europe.

Since the creation of the network "Voices of Young Refugees in Europe", the network became an established youth organisation. It aims at empowering young refugees, developing skills and networking and offering recommendations to various international institutions. The main aim of the course is to exchange experiences and reflect on the complex situation of young refugees in Europe today, trying to identify ways to improve the situation. The positive experiences and results of the first seminar in 2006 'Being a Young Refugee in Europe today' shall provide a strong basis for further elaboration.

www.coe.int/youth

27-28 October 2008, Poland

V National Conference on „Children - victims of crimes”

Organized by Nobody's Children Foundation

28 October 2008, Vitoria, Spain

Working groups on identification and attention measures for children and adolescents victims of trafficking.

30 October 2008, Oslo, Norway

The UN Convention on the Rights of the Child mainstreaming in the protection and care of separated children in Europe

Organised by SCEP and Save the Children Norway Seminar on fulfilment of the rights of separated children, focusing on legal and regulatory differences, as well as differences in practice throughout Europe.

November 2008, Madrid, Spain

Evaluation of the II National Action Plan for safeguarding children from Sexual Exploitation

5-6 November 2008, Dublin, Ireland

Tomorrow's Child Conference

Organised by Barnardos

20 November 2008, Rotterdam, the Netherlands

Launch of campaign and website to raise awareness of the rights of children staying illegally

To be launched by Defence for Children International-the Netherlands and LOS (a national organisation defending the rights of undocumented persons).

The website is financed by Pro Juventute and the name of the website will be: www.iLegaalkind.nl and www.iLegalchild.org

24-28 November 2008, Sibiu, Romania

Recreational-educational camp

Organised by Save the Children Romania

The camp took place in town and 6 separated children attended. This camp was a moment of recreation for these children and they took part in all the activities organized: art workshop, visit to museum, educational games, cooking etc.

27 November 2008, Dublin, Ireland

An NGO perspective on the realisation of children's rights

Organized by the Association for Child and Adolescent Mental Health (ACAMH)

28 November 2008, Dublin, Ireland

Shaping Interculturalism in Youth Work

Organised by the National Youth Council of Ireland

29 November, Ljubljana, Slovenia

Training for future volunteers working in the field of migration, asylum and separated children.

Organised and implemented by Slovene Philanthropy

December 2008, Oslo, Norway
Nordic Seminar on Trafficking
Hosted by Save the Children Norway as a part of
the Norwegian Action Plan Combating Trafficking

19 January 2009, Dublin, Ireland
Children's Rights Alliance Report Card 2009
Launch
Organised by the Children Rights Alliance

22-23 January 2009, Brussels, Belgium
International conference on undocumented children
in Europe: invisible victims of immigration
restrictions.
Organised by PICUM

28 January 2009, Vitoria, Spain
The juridical and social protection of the separated
children in Euskadi
Organised by save the Children and the
Government of Basque Country

29 January 2009, Dublin, Ireland
Round Table on 'Children in Families Living in
Direct Provision
Organised by the Children's Rights Alliance and
Integrating Ireland

11 February 2009, Madrid, Spain
Child soldiers and the right to seek asylum
Organised by the Spanish Coalition to stop the use
of child soldiers

26-27 February 2009, Bulgaria
Meeting on Access to Territory and Refugee
Determination Procedure
Organized by the Bulgarian Refugee Council
The meeting gather together representatives from
Border Police, UNHCR, State Agency for Refugees,
Prosecutor's Office, Judges and NGO's.

4 March 2009, Vienna, Austria
Refugee Youth and Homeless Children and
Adolescents: Redirecting antisocial trajectories to
pro-social paths
Medical University Vienna, Department of Child
and Adolescent Psychiatry

13-14 March 2009, Bulgaria
Training of ex-officio lawyers from Sliven region
Financed by the Supreme Bar Council.
The trainers were representatives from the
Bulgarian Helsinki Committee and UNHCR.

24 - 25 March 2009, Norway
Nordic conference on child trafficking
Organised by Save the Children Norway

26 March 2009, Vienna, Austria
Seminar for legal representatives of separated
children
The asylkoordination österreich

26-27 March 2009, Bulgaria
Training for Border Guards from Sofia Airport on
Access to Territory and Refugee Procedure
Organized by UNHCR
The trainers were representatives of NGO's,
UNHCR and the State Agency for Refugees.

30 March - 1 April 2009, Hofgeismar, Germany
The annual spring conference of the Federal
Association for Unaccompanied Minor Refugees
(BUMF)
With several lectures and workshops concerning
child soldiers, the UN CRC, trafficking of minors,
the UNHCR quality assurance project (ASQAEM),
clearing houses, tasks of guardians etc.
The conference is for professionals dealing with
separated children from youth welfare offices, aliens
authorities, the refugee status determination
authority, employees of initial reception centres and
guardians. This year the participation of a group of
separated children will enrich the conference.

13 May 2009, Brussels, Belgium
10 years Plate-forme Mineurs en exil – Platform
Kinderen op de vlucht
The Platform "Mineurs en exil" was created in June
1999 as a result of a growing number of
unaccompanied minors arriving and of legal, social
and administrative situations prevailing at that time,
that didn't enable these minors to fully enjoy their
fundamental rights and their human dignity.
The Platform has achieved quite a lot since its
existence. Its three-dimensional work already largely
contributed to improve their living condition in
Belgium. But, even though their legal and
administrative protection has evolved, there is still
much to achieve.
For its 10 year celebration, the Platform organizes a
meeting, exchange, information and discussion day
for professionals in the field, decision makers and,
of course, minors themselves.

4 June 2009, Norway
Seminar on "The Rights of the asylum-seeking children in Norway"
Organised by Save the Children Norway
With launch of several projects about asylumseeking children in Norway

19 June 2009, the Netherlands
SAMAH conference as part of the World refugee day (20 June)
Theme: Ready2move

Publications

Adult's War and Young Generation's Peace : Children's participation in armed conflict, post conflict and peace building. Global Report. Save the Children Norway, 2009

All I want is to land. Report by Save the Children Sweden, September 2008

The report summarises Save the Children's contacts with 470 undocumented children through a free telephone helpline that was opened in March 2006. Three main areas of concern were raised by the children:

- The fear of being expelled is evident. Cases descriptions indicate a failure in the assessment of children's protection needs.

- Family break-up affects an unexpected share of the children. The break-up often started when a family member left the country of origin and compounded by strict migration rules.

- The children's situation in Sweden affects how they feel. Parents and other adults warn that children live in isolation and seem to suffer harm. They want children to have access to school or day-care, to be given care and meet other children to play.

The report shows that the children are less at risk of harm if they are allowed to enter a social community and are treated like other children.

Annual Status Migration Report. Prepared by the Ministry of Interior for the Parliament. (Czech Republic)

Available at
www.mvcr.cz/docDetail.aspx?docid=44841&doctype=ART&

The appointment of the temporary guardianship and the education of the unaccompanied alien minors. Information for the foreigners granted asylum, Lithuania, 2008

Aspects of the rights of children applying for asylum. Save the Children Romania, Bucharest, 2008

The aim of the brochure is to put together the rights of children applying for asylum in an easy to follow form, to offer as a working instrument for those involved in the asylum field and to promote the rights of children applying for asylum in Romania.

Away from Home: Protecting and supporting children on the move. Save the Children UK, November 2008⁶

This report looks at why children move, the risks they face, and how policy-makers and service-providers can protect them more effectively.

www.savethechildren.org.uk/en/54_7156.htm

Bordering on Concern: Child Trafficking in Wales. ECPAT UK, [March 2009]⁷

www.ecpat.org.uk/downloads/cc_ecpat_english-web.pdf

Bridging the gap : from care to home. The case for a statutory right to aftercare for young people leaving care and young people experiencing homelessness. Focus Ireland, 2008

Child Trafficking and Ireland. Jyothi Kanics, Studies, Vol. 97, Issue 388, Winter 2008

www.studiesirishreview.ie/j/page668

Childhood and asylum, Save the Children Spain and UNHCR, 2008.

Available in French, Spanish, English at
www.savethechildren.es/ver_doc.php?id=72

Does Every Child Matter? Children seeking asylum in Britain. Report by Refugee and Migrant Justice (formerly Refugee Legal Centre), March 2009.

A report detailing how children seeking asylum experience the immigration system and showing that the UK Border Agency is routinely flouting its new Code of Practice to safeguard children.

refugee-migrant-justice.org.uk/?p=426

Exchange of information and best practices on first reception, protection and treatment of unaccompanied minors: Manual of Best Practices and Recommendations. International Organization for Migration, September 2008

Familienzusammenführung – Rechtsgrundlagen für die Einreise und den Aufenthalt in Deutschland" [Family reunification - legal basis for entry and stay

in Germany]. Deutsches Rotes Kreuz (German Red Cross), December 2008

Available in German at www.drk.de/suchdienst/

Handlungsleitlinien Inobhutnahme zum § 42 SGB VIII [Guidelines on Section 42 Youth Welfare Act]. Bundesfachverband UMF (Federal Association for Unaccompanied Minor Refugees), 2009

Available, in German only, from info@b-umf.de

Handreichung für den Umgang mit unbegleiteten minderjährigen Flüchtlingen in Schleswig-Holstein [Guideline to deal with separated children in Schleswig-Holstein]. Flüchtlingsrat Schleswig-Holstein (Refugee Council Schleswig-Holstein), 2008

Available in German only:

www.frsh.de/lifeline_relaunch/pdf/UMF_handreichung_12_2008_download.pdf

Hidden Children : the Story of State Care for Separated Children. Maria Corbett, Working Notes, Issue 59, November 2008 (Ireland)

www.cfj.ie/images/stories/pdf/issue59/hidden-children.pdf.

Keeping the door open: Resources for children and youth leaving institutional care in the Baltic Sea region. Report prepared by Rasa Erentaitė for the Working Group for Cooperation on Children at Risk, WGCR, Council of the Baltic Sea States, Vilnius, 2008

Also covering Poland.

La protection des mineurs étrangers non accompagnés victimes de la traite et du trafic des êtres humains. Study published by UNICEF Belgium, CIDE (Centre Interdisciplinaire pour les Droits de l'Enfant) and Platform Mineurs en exil

The study gives a view on the different aspects of the protection of non accompanied minors as victims of child trafficking in Belgium. It shows that Belgium is willing to maintain its role as a pioneer in the fight against child trafficking and its protection of the victims in a European and international context. Nevertheless, the study indicates clearly the gaps in the protection system.

A summary of the study is available in French at:

www.unicef.be/MFiles/Dossier%20Traite%20des%20Enfants%20FR%20OK.pdf

Left to survive : systematic failure to protect unaccompanied migrant children in Greece. Human Rights Watch, 2008

Machen wir es den Mündeln Recht? – Perspektiven und Möglichkeiten der Vormundschaft für UMF [Perspectives and potentials for guardianships]. Bundesfachverband UMF (Federal Association for Unaccompanied Minor Refugees), 2009

Available, in German only, from info@b-umf.de

Remote Controls : How Border Controls are Endangering the Lives of Refugees. British Refugee Council, [December 2008]:

www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/researchreports/Remote%20Controls.pdf

Report of PICUM's international conference on undocumented children in Europe: invisible victims of immigration restrictions. PICUM, 2009

SAMAH-zine, magazine of SAMAH (national organisation for the protection of the interests of juvenile asylum seekers in the Netherlands)

It is possible for everyone to subscribe via info@samah.nl. The magazine is only available in Dutch.

Unaccompanied Children. Collection of essays, by the Ombudsperson for Children in Croatia.

The collection is the result of a series of lectures held for experts concerned with this problem (judges, police officers, social workers, etc). It was distributed free of charge to misdemeanour courts, police stations, social welfare centres, homes for children with behavioural problems and others working in the field of children protection.

Unaccompanied minors asylum seekers in Greece : a study on the treatment of unaccompanied minors applying for asylum in Greece. Commissioned by the UNHCR Office in Greece

Undocumented children in Europe: invisible victims of immigration restrictions. Project report by PICUM, 2009

Veiledet: identifisering av mulige ofre for menneskehandel. The national coordination unit for victims of trafficking (KOM), Oslo, 2008

Only in Norwegian at

www.regjeringen.no/upload/JD/Vedlegg/Veiledninger/Veiledet_Identifisering_menneskehandel.pdf

The violation of the right of the child and the international protection, Save the Children Spain, 2008. Available in French, Spanish, English at www.savethechildren.es/ver_doc.php?id=72

The Vulnerable Women's Project Good Practice Guide: Assisting Refugee and Asylum Seeking Women affected by Rape or Sexual Violence. British Refugee Council, [February 2009]: www.refugeecouncil.org.uk/policy/position/2009/vulnerable_women/vulnerable_women_gpg.htm

Useful websites

Bulgaria

Association for Integration of Refugees and Migrants: www.airm-bg.org/

Foundation "Center Nadja": www.centrenadja.hit.bg/

Croatia:

UNHCR – in Croatian: www.unhcr.hr

Ljudska Prava Human Rights – site on trafficking - in Croatian and English:

www.ljudskaprava-vladarh.hr/default.asp?ru=188

www.pravobraniteljzadjecu.hr in English and Croatian

France:

infoMIE.net, Centre de ressources sur les mineurs isolés étrangers: www.infoMIE.net

Hungary:

The General Ombudsman's Office's new interactive website about child rights in Hungarian, with a version for disabled children:

www.gyermekjogok.obh.hu/

Ireland:

Arising from the recent Children and Migration conference in Cork, a new listserv has been set up for people with an interest in issues of childhood, youth and migration. To join the list, just go to <http://lists.ucc.ie/lists/archives/childmigration.html>

The description of the list is as follows:

This is the listserv of the Children, Youth and Migration Network – an international network of researchers and professionals with interests in issues relating to children, youth and migration. Anyone with an interest in these issues is welcome to join - please forward details of the list to others in your own institution or country who might be interested in joining. As a member, you can use the list to post messages which may be of interest to other members.

Once you have joined, you can send messages to the list at childmigration@lists.ucc.ie.

Lithuania

www.rppc.lt
www.migracija.lt
www.redcross.lt

The Netherlands

Information for children, professionals and legal advisers about the rights of 'illegal' children: www.iLegaalkind.nl (only available in Dutch):

Norway

PRESS- Save the Children Youth's site for missing children (only in Norwegian): www.finnbarna.no

Poland

Nobody's Children Foundation is preparing new website concerning the problem of child trafficking in Poland. The website should be launched very soon.

New website for children run by the Police, opened on 24 December 2008: www.pyrek.pl

Portugal

National Commission for the Protection and Rights of the Children and Youngsters at Risk: www.cnpjcr.pt/

UK:

NSPCC trafficking advice and information line (CTAIL)

www.nspcc.org.uk/inform/resourcesforprofessionals/freshstart/ctail/ctail_wda51323.html

RefugeeMap

For press release with more background info see www.star-network.org.uk/index.php/news/comments/refugeemap_launched/

STAR (Student Action for refugees) has launched a new interactive online resource for young people. RefugeeMap is a collaborative Wiki providing easy and accessible information for volunteers, especially young people, working with refugees in England. This site seeks to gather in one place easily accessible information on refugee situations, news and policy, and volunteering opportunities around the UK.

RefugeeMap is at: refugeemap.wikidot.com/.

Reporting organisations

asylkoordination österreich
British Refugee Council
Bulgarian Helsinki Committee - Refugees and Migrants Legal Protection Programme
Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. (Federal Association for Unaccompanied Minor Refugees)
Central Union for Child Welfare, Finland
Défense des Enfants International-France, DEI-France, as coordinator of the French working group for SCEP, in association with: Association Nationale d'assistance aux frontières pour les étrangers (ANAFE), France Terre d'Asile (FTDA), Groupe d'information et de soutien des immigrés (GISTI), Enfants du monde – Droits de l'homme (EMDH) and Hors La Rue
Defense for Children International – the Netherlands
Irish Refugee Council
Lithuanian Red Cross Society
Nobody's Children Foundation, Poland
Plate-forme Mineurs en exil (Belgium)
Portuguese Refugee Council (CPR)
Save the Children Brussels Office
Save the Children Italy
Save the Children Norway
Save the Children Romania
Save the Children Spain
Save the Children Sweden

Slovak Humanitarian Council
Slovene Philanthropy
Swiss Foundation of the International Social Service
UNHCR Athens, Greece
UNHCR Austria
UNHCR Czech Republic
UNHCR Ireland
UNHCR Madrid, Spain
UNHCR Representation in Croatia
UNHCR Sub-Office Nuremberg, Germany
UNHCR London, UK

This Newsletter has been produced by Lise Bruun for the Separated Children in Europe Programme. For more information please contact:

Lise Bruun, Programme Co-ordinator
LBR@redbarnet.dk
Tel: +45 3524 8524

Save the Children Denmark, Rosenørns Allé 12,
DK-1634 Copenhagen V
Fax: +45 3539 1119

www.separated-children-europe-programme.org

Statistics on arrivals of separated children seeking asylum in Europe

A = Actual; E = Estimated; P = Provisional; N/A = Not available

Receiving country	Number		Age 15-17		Males	Females	Main countries of origin	Source
	2008	2009	2008	2009				
Austria	711 ³	67 ⁴					Afghanistan 245 Nigeria 76 Moldova 72 Russ Fed. 57 Somalia 54	Federal Ministry of Interior
Belgium	521	N/A					Afghanistan Guinée DR Congo Iraq Russia	Commissariat Général aux Réfugiés et aux Apatrides
Bulgaria	13	1 (01.01-31.02)	13	1			Afghanistan Iraq Nigeria Banladesh Sri Lanka Pakistan Congo	State Agency for Refugees
Croatia	2	6	2	6	2008: 2 2009: 6		Angola 1 Gambia 1 Afghanistan 6	Ministry of Interior
Czech Republic	34 (A)	N/A	23	N/A	2008: 27 2009: N/A	2008: 7 2009: N/A	Turkey (23) Ukraine (5) Afghanistan (2)	MoI, dep. of Asylum and Migration Policy
Finland	705	165 by end Feb	636	N/A	2008: 575	2008: 130	Somalia (359) Iraq (214) Afghanistan (69)	Finnish Immigration Service ⁵
France	715 ⁶				60% E	40% E	RDC Angola Congo Sri Lanka Guinea Conakry Afghanistan	Office français de protection des réfugiés et apatrides (OFPRA)
Germany ⁷	727 ⁸		403 aged 16-17				Iraq: 223 Viet Nam: 68 Afghanistan: 59 Guinea: 39 Ethiopia: 36	Federal Office for Migration and Refugees
Greece	237 (A)		185				Pakistan: 105 Afghanistan: 77 Iraq: 11	Ministry of Interior

³ The number of asylum seekers recorded as separated children (older than 14 years) is 808. In 97 cases the authority responsible for the asylum procedure did not believe in the age claimed by the asylum seekers and declared them as adults. Therefore, the official number for separated children between 14 and 18 years of age is 711. Another 64 separated children were recorded as being younger than 14 years at the time of application.

⁴ Additional to this number, 10 separated children were recorded as being younger than 14 years at the time of application.

⁵ More statistics see www.migri.fi/netcomm/content.asp?article=3129

⁶ 410 minors have applied for asylum on the territory (-10,7 % compared to 2007) and 305 official asylum seekers under 18 have arrived at the borders (+84 % compared to 2007)

⁷ Data refer to minors up to the age of 16 only. According to the Germany Residence Act, minors between 16 and 18 have legal competence with regard to asylum and residence law and are therefore not counted separately.

⁸ In 2008, for the first time the Federal Office registered separated children up to age 18.

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin	Source
	2008	2009	2008	2009				
Ireland	356		132		2008: 173	2008: 183	Nigeria China Zimbabwe	Health Service Executive
Italy ⁹								
Lithuania	2	2	2	2	2009: 2	2008: 2	Vietnam Congo Chechnya Afghanistan	Statistic of Refugee Reception Centre
Netherlands	[739]		739		N/A	N/A	Somalia: 25% Iraq: 18% Afghanistan: 13% Guinea: 7% Angola: 6% Other countries of origin: 31%	Central Agency f. Reception of Asylum Seekers www.coa.nl
Norway	1,374	334		289	2008: 80 % 2009: 304	2008: 20% 2009: 30	Afghanistan Somalia Eritrea Iraq Ethiopia	Norwegian Directorate of Immigration (UDI)

⁹ According to the Italian legislation, the definition “foreign unaccompanied minors” does not encompass asylum seeking children (be them separated or not from family members/primary caregivers) neither EU national children (be them separated or not).

Official sources of data on separated children are scattered among different institutions. The figures below have been collected by Save the Children Italy as regards the year 2008.

In 2008, foreign unaccompanied minors (as defined above) notified to the Committee for Foreign Unaccompanied Minors (responsible – among others - for collecting and analysing quantitative data on FUM in Italy) were in total 7.797. Their main countries of origin were: Morocco (15,29%), Egypt (13,75%), Albania (12,49%), Palestine (9,47%), Afghanistan (8,48%), Eritrea (4,99%), Nigeria (4,14%), Somalia (3,90%), Serbia (3,76%) and Iraq (3,68%), for a total of 78 nationalities represented.

The majority of the above children were boys (90,46%) and aged between 16-17 (namely: 50,58% were 17, 26,22% were 16 and 11,39% were 15). (Source: Committee for Foreign Unaccompanied Minors).

Moreover, it is important to stress that before Romania entered the EU (1 January 2007), Romanian nationals represented the biggest group of separated children in Italy (its size having grown from 6% of the total in 2000 to 33,5% in 2006).

Since 2007, Romanian separated children are not monitored by the above Committee for Foreign Unaccompanied Minors (being its competence limited to third-country national children). A new inter-institutional coordination body has recently been established at the Italian MoI with the primary goal of ensuring protection of EU national separated children, in particular Romanian nationals, mainly focusing on the issue of return (see further below in the text).

According to statistics provided by the SPRAR (Servizio Centrale del Sistema di Protezione per Richiedenti Asilo e Rifugiati), in 2007 [we do not have data on 2008 yet] there has been a noticeable increase in the number of separated children seeking asylum notified to this reception system in Italy. Such an increase is explainable mainly in relation to the Directive issued by the MoI in early 2007, which envisages – among other provisions – the obligation for all public officers to immediately notify to the SPRAR a child who expressed intention to seek asylum.

Thus, separated children seeking asylum notified to the SPRAR in 2007 were in total 295 (out of them, 197 were accommodated and assisted in the centres provided within such system, i.e. dedicated to asylum seekers).

According to the statistics provided by the Department for Rights and Equal Opportunities, children identified as victims in Italy of trafficking between 2001 and 2007 were in total 938, making up to nearly 7% of the total of identified victims of trafficking. [We do not have data for 2008].

Most likely, the figures summarized above do not reflect the total number of separated children present in Italy in 2008.

Indeed, to the figures above it should be added: children who are not properly notified to the Committee for Foreign Unaccompanied Minors by the receiving and assisting institutions at local level; asylum seeking separated children who are not notified to the SPRAR [reportedly, due to very limited number of places available to children – and in general – in the SPRAR, often assisting/receiving organisations do not even try to refer asylum seeking children to its structures]; separated children not identified and appropriately referred as victims of trafficking; EU national separated children; and separated children who never come in contact with any institutions in the country.

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin	Source
	2008	2009	2008	2009				
Poland	70 (A)	20					Russian Federation	Office for Foreigners
Portugal	9	0	9	0	2008: 7	2008: 2	Sri Lanka Guinea Somalia Senegal	Portuguese Refugee Council
Romania	58 (A)	100 (E)	58 (A)	16 (E) Jan.- Mar.	2008: 58 2009: 16	2007: 1 (E) 2008: 0	2008: India Pakistan Iraq 2009: Afghanistan Pakistan	Romanian Immigration Office
Slovakia	[48]	[11]	48	11	2008: 48 2009: 10	2008: 0 2009: 1	Moldova Afghanistan Bangladesh	Migration Office
Slovenia	16 (A)	4 (A)	14	4	2008: 16 2009: 4		Afghanistan Turkey Albania	Slovene Philanthropy
Spain	14 (E)	2 (E)	14	2	2008: 12 2009: 2	2008: 2	Somalia (4) Nigeria (2) Costa de Marfil (1) Colombia (4) Ghana (2) Sudán (1) Sierra Leona (1) Guinea Conakry (1)	UNHCR, BO Madrid ¹⁰
Sweden	1,510 (A)	407 (A) until 23 March 2009	907 (age 16-17)	239 (age 16-17)	2008: 724 2009: 192	2008: 183 2009: 47	Iraq Afghanistan Somalia	Migration Board
Switzerland	631 (A)	N/A	602 (A)	N/A	2008: 520	2008: 111	Somalia Nigeria Guinea Conakry Gambia Iraq	Federal Office for Migration
UK	3,931	701	2,640	440	2008: 3,354 2009: 596	2008: 577 2009: 105	Afghanistan Iraq Iran Eritrea	Refugee Council Children's Panel Database

¹⁰ Please note that these figures, due to the lack of official numbers, are just estimated. UNHCR BO Madrid is able to provide information only on the asylum applications communicated by the government