



Separated Children in Europe Programme

NEWSLETTER No. 30

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In this issue:

- p. 1 Programme update
- p. 2 European Union
- p. 4 Council of Europe
- p. 4 Committee on the Rights of the Child
- p. 7 Changes and developments in law, policies and practice
- p. 11 Detention
- p. 12 Age assessment
- p. 14 Guardianship
- p. 17 Reception
- p. 19 Missing children
- p. 20 Dublin II practice
- p. 21 Procedures and recognition
- p. 23 Family tracing and reunification
- p. 24 Return
- p. 26 Trafficking
- p. 28 Children and youth participation
- p. 29 Miscellaneous
- p. 30 Events
- p. 32 Publications
- p. 34 Useful web sites
- p. 35 Reporting organisations
- p. 36 Statistics on arrivals of separated children seeking asylum
- p. 39 Statistics on trafficked minors in Europe

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.

Programme Update

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

A report from the project seminar with SCEP NGOs, held in Budapest November 2007, has been made and is available at the SCEP web site: www.separated-children-europe-programme.org/separated_children/publications/reports/index.html

In February, the project advisory board met mainly to discuss the planning of the outreach phase of the project.

Information materials to NGOs as well as to youth have been elaborated and disseminated, and interested separated youth have been identified in 12 EU Member States so far.

A web forum, with restricted access, has been established for the separated youth to use for communication and exchange.

A workshop was held in Almeer, the Netherlands, 13-15 June 2008 with the participation of 17 separated youth from 12 EU Member States, representing 9 different countries of origin. The purpose of the workshop was to explore the interest and purposes for establishing a European separated youth network, to build capacity around children's rights, advocacy and network skills and to start planning a joint awareness raising activity to take place in December.

There was a huge interest, enthusiasm and commitment among the participating youngsters.

A report from the workshop will be published at the SCEP web site soon.

Strategy Planning

In March, Four Task Teams, composed of Steering Committee members and NGOs, met for a 2-day workshop to discuss and link their proposals regarding future structure, working modalities, financial sustainability and strategic alliances. The outcome of the workshop was fed into a Framework paper for SCEPs strategic development that was circulated to all SCEP NGOs and

discussed at a Network meeting in Vienna June 17-19.

At the Network meeting a high degree of consensus was reached, but more detailed elaboration will take place during the autumn before the actual implementation can start.

NGO network meeting and open seminar in Oslo October 29-30 2008

On October 29 the SCEP NGOs will have an internal meeting in Oslo and on October 30, SCEP in co-operation with Save the Children Norway plan to hold an open seminar; the theme of the seminar will be 'CRC mainstreaming in the protection and care of separated children in Europe'.

The Norwegian Ministry of Foreign Affairs have kindly supported these events financially.

Participation in seminars & conferences

From February 10-16 2008, the SCEP co-ordinator participated, as observateur, in the seminar 'Raising the Voices of Young Refugees: One Step Forward to Organize Ourselves' that took place in Budapest. The seminar was co-organised by the Greek Council for Refugees, Community Development Center (Montenegro), Hi-Neighbour (Serbia) and the Lithuanian Red Cross Society, with the support of the European Youth Foundation and UNHCR.

On April 4 2008, the SCEP co-ordinator attended the workshop 'Protecting Undocumented Children - Workshop on the Protection of Undocumented children in their access to basic social rights' organised by PICUM and taking place in Brussels

On April 9-11 2008, the SCEP co-ordinator and the consultant on the Daphne II Youth Network project Yvonne van 't Oever attended the conference 'Children and Migration: identities, mobilities and belonging(s)', organised by and held at University College Cork, Ireland.

We had the opportunity to give 2 presentations on the Daphne II Youth Network project and child participation.

SCEP Steering Committee

There is a change of NGO representatives in the Steering Committee. Antoaneta Sabeva (Bulgaria) has stepped down and is replaced by Magda Faltova (Czech Republic).

There is also a change of Chair, Louise King, Save the Children UK, takes over from Eva Larsson-Bellander, Save the Children Sweden.

Changes with SCEP NGO partners & UNHCR

Austria: New UNHCR SCEP focal point is Marta Hodasz, HODASZ@unhcr.org

Belgium: New NGO contact person is Charlotte van Zeebroeck, email cvz_sdj@droitdesjeunes.com

Croatia: New UNCHR SCEP focal point is Zoi Sakellidou, email SAKELLIA@unhcr.org

The Netherlands: New NGO contact person is Martine Goeman, email m.goeman@defenceforchildren.nl

Poland: New UNCHR SCEP focal point is Maria Pamula, email PAMULA@unhcr.org

Romania: New UNCHR SCEP focal point is Andreea Mocanu, email MOCANU@unhcr.org

Slovakia: New NGO contact person from August is Petra Hranova, email petra.hranova@gmail.com
New UNCHR SCEP focal point is Barbara Messova, email Messova@unhcr.org

Switzerland: New UNCHR SCEP focal point is Birgit Einzenberger, email: EINZENBE@unhcr.org

UK: New UNCHR SCEP focal point is Alan Deve, email deve@unhcr.org

Updated contact information for the SCE Programme management, NGO Network and UNHCR Focal Points is available at:

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

European Union

European Union European Parliament approves Returns Directive:

On June 18th, 2008 the European Parliament approved a 'compromise' text of the proposed EU Directive on common standards and procedures for returning illegally staying third country nationals (the "Returns Directive").

Save the Children regrets that the text 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. In particular, the Directive allows Member States to exclude an important number of unaccompanied or separated children from its provisions relating to unaccompanied children; it fails to provide a proper procedure for assessing the best interests of the child; it does not ensure legal assistance to unaccompanied minors; it provides no definition of 'adequate reception facilities' to which unaccompanied children can be returned; and its

provisions on the detention of children and families with children are excessive.

Save the Children now calls on the EU and Member States to ensure that implementation of the Directive takes place in a manner which complies with their obligations under the UN Convention on the Rights of the Child and, in particular, their obligation to afford unaccompanied or separated children special protection and assistance while present in the EU. We urge the European Parliament and Council to commit to revising and improving the Returns Directive in the short term, following the Commission's review three years after its entry into force. We also urge the EU Member States and the EU institutions to consider the adoption of additional EU measures to ensure the protection and assistance within the EU of unaccompanied or separated children outside their country of origin.

To read more:

- Save the Children Europe Group Press Release on the Returns Directive
- Save the Children Europe Group letter to MEPs prior to Returns Directive vote

Taking forward the common immigration and asylum policy for Europe:

On June 17, 2008 the Commission adopted a Communication on "A Common immigration policy for Europe: principles, actions and tools" and a Policy Plan "Asylum – an integrated approach to protection across the EU". Both policy documents are intended to address the remaining elements on immigration and asylum of The Hague Programme. The Commission hopes that they will be endorsed by the European Council of 15 October 2008 and will, in the course of 2009, feed into a new five-year Programme in the Justice, Freedom and Security area.

The Communication outlines the Commission views on how to further develop the common European immigration policy and calls on the European Council to endorse the proposed set of ten common principles, as well as a selection of concrete actions. The ten principles are grouped under the three main strands of EU policy: prosperity, solidarity and security. They include elements such as 'clear rules and a level playing field', 'partnership with third countries', 'sustainable and effective return policies', and 'step up the fight against illegal immigration'.

The Commission's Asylum Policy Plan proposes to improve EU standards for protection and acknowledges that legal convergence must be complemented by adequate practical cooperation mechanisms (exchange of information and best practices, common trainings, etc.). The Policy Plan

sets out a number of tools to foster solidarity vis-à-vis those Member States confronted with strong pressures on their asylum systems and also presents ideas for supporting third countries which host high numbers of refugees.

Having identified action in the field of immigration and asylum as one of its core priorities, the French Presidency of the Council has presented its draft European pact on immigration and asylum to its partners at the informal meeting in Cannes on 7 July 2008. According to the Presidency, "the text is a strongly expressed political objective to commit Member States to adopting common principles to guide the European Union's immigration policy within a spirit of solidarity and responsibility". Discussions will continue over the coming weeks with a view to the pact being adopted during the European Council in October. Concern has been aired by a number of organisations that any ultimate Pact may lead to an overly restrictive immigration climate within the EU. With this in mind, there have been calls for clear actions which will ensure proper access to the EU for asylum purposes. The discussions on the migration pact will be followed closely from a child rights perspective, in particular, as regards discussions on child specific issues such as family reunification policies, a recognition of the need to respect the rights under the CRC of all children, regardless of their immigration status, the specific needs and rights of separated or unaccompanied migrant children, the use of biometric data in relation to identification of irregular migrants and concrete measures in relation to development and children.

Lisbon Treaty uncertain after Irish no-vote:

On June 12th the Lisbon Treaty was rejected by the Irish in a referendum. The Lisbon Treaty aims in large part to streamline EU decision-making by introducing voting reforms in the Council, maintaining a reduction on the size of the Commission and strengthening the role of the European Parliament via additional co-decision powers and adding to the role of the national parliaments. It also creates the new posts of Council President and High Representative for Foreign and Security Policy. Another key change under Lisbon would be the fact that supranational decision-making could take place in the field of justice and home affairs (for example, allowing for more enforceable EU measures in the field of anti-trafficking). The Treaty also introduces the right of citizens' initiative. A Eurobarometer poll published on June 20th revealed major failings of Irish and EU politicians in communicating with citizens about the Treaty and the EU in general - a "lack of knowledge of the Treaty" emerged as the number one reason (22%) for voting 'no'.

The Treaty must be ratified by all 27 member states in order to come into force, so during their meeting on June 16th, the EU's foreign ministers discussed ways forward after this set-back. It was agreed that the following three scenarios should be avoided: a long period of reflection such as the one following the failure of the constitution, a renegotiation of the Lisbon Treaty, and the suspension of the ratification process.

Several potential solutions were put forward. The first is that a small group of the more ambitious countries could move forward in the form of reinforced cooperation, referred to as a 'core' or 'two-speed Europe'. A second option would be to apply the treaty only to 26 countries, with a special statute for Ireland (or even have Ireland temporarily exit the integration process). The last option would have Ireland vote again on a revised text after the ratification process is completed in all other member states. This revised text might grant the country certain opt-outs and assurances.

EU Heads of State subsequently met on June 20th, and decided to pursue ratification in countries where the Lisbon Treaty has not yet been approved and to revisit the subject at their summit in 15 October 2008 where Ireland will be expected to propose an innovative solution to take the EU forward. The only borderline country is the Czech Republic, whose Constitutional Court still has to decide whether the Lisbon Treaty is concordant with its constitution.

Backed by several other leaders, French President Nicolas Sarkozy, who is also holding the presidency of the Council of the European Union until the end of 2008, made clear that he would like to see the treaty enter into force before the next elections to the European Parliament in June 2009. A notable exception from this mainstream position is the Polish President Lech Kaczyński, who called the Lisbon Treaty "pointless" following the Irish 'no' and announced that he will not sign it.

LIBE Committee adopts report on evaluation of the Dublin System:

In view of the upcoming revision of the Dublin Regulation later this year, the Committee for Civil Liberties, Justice and Home Affairs (LIBE) adopted on Wednesday, 25 June 2008, a draft report on the evaluation of the Dublin system. The report, initiated and drafted by Jean Lambert (Greens, UK), also comments on the evaluation of the system undertaken by the Commission of June 2007.

According to the report the Commission's conclusion that the objectives of the Dublin system have to a large extent been achieved is too optimistic. The fundamental problem of the Dublin system is that it is still based on an inconsistent level of protection across in the Member States: "Unless a satisfactory and consistent level of protection is

achieved across the EU, the Dublin System will always produce unsatisfactory results from both the technical and the human viewpoints, and asylum seekers will continue to have valid reasons for wishing to lodge their application in a specific Member State and thus to try to circumvent the system", the report states.

The report also calls on the Commission to provide for a mechanism to stop transfers of asylum seekers to countries that do not guarantee fair treatment of their claims and to add a provision restricting the detention of Dublin claimants to a measure of last resort.

Prior to this, LIBE held a Round Table on The Dublin "System": Where are the gaps, what are the alternatives? on 29 May 2008 in Brussels.

Council of Europe

CoE Convention on Action against Trafficking in Human Beings - ratifications

On 9, 11 and 17 January 2008 respectively, France, Bosnia and Herzegovina and Norway deposited the instruments of ratification thereby bringing to 13 the number of member states to ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

For France, Bosnia and Herzegovina and Norway the Convention will enter into force on 1 May 2008. www.coe.int/t/dg2/trafficking/campaign/default_EN.asp

The Council of Europe, Parliamentary Assembly, on June 2nd 2008 published the report 'Promoting the participation by children in decisions affecting them'. (Doc.11615) <http://assembly.coe.int>

Ireland: The Commissioner for Human Rights of the Council of Europe, Mr Thomas Hammarberg, carried out an official visit to Ireland at the end of November 2007. His report is now available: [wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2008\)9&Language=lanEnglish&Ver=original&BackColorIntranet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679](http://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2008)9&Language=lanEnglish&Ver=original&BackColorIntranet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679)

Committee on the Rights of the Child

During the session of the Human Rights Council, a side event was organised on June 10th by the NGO Working Group for an Optional Protocol to the CRC, which would establish a communication/complaint mechanism.

In terms of support to the campaign, Mrs Lee, chair of the CRC Committee announced the strong commitment by the CRC Committee to the OP. She mentioned as well the establishment of a Task force within the Committee to work on the elements of this OP. One of the main legal issues is to define who will be entitled to use this

communication procedure with the question of the legal responsibility of U18.

In terms of support from states or institutions, the meeting provided some answers with the commitment of Slovenia, and the will of this state to build a group of friends for an OP. Uruguay and Finland expressed as Prospects on this issue is to have the Human Rights Council adopt, the sooner the better, a resolution establishing a Working Group with the mandate to draft the Optional Protocol Text.well interest. Furthermore the European network of ombudsmen for children (ENOC) equally endorsed the idea fully.

Austria: On June 9 2008 ECPAT Austria presented the “Alternative Report on the implementation of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography“ at the UN Committee of the Children Rights in Geneva, Switzerland. This shadow report was coordinated by ECPAT Austria by Marion Kreissl and created together with UNICEF Austria, the Ludwig Boltzmann Institute of Human Rights, Stopline Austria, ECPAT Austria Committee for Youth Action, Don Bosco Flüchtlingswerk Austria-Coordinator Separated Children in Europe Programme Austria, Volkshilfe Vienna- SOPHIE, as well as Carolin Tener & Tina Ring, experts in the field of child prostitution.

www.ecpat.at/fileadmin/download/Austrian_Alternative_Report_OPSC_English.pdf

Bulgaria: Bulgaria presented its 2nd periodic report on the implementation of the Convention on the Rights of the Child to the Committee on the Rights of Child (CRC) at its 48th session on Wednesday 21 May 2008.

Croatia: Next report will be published by CRC during 2008. Find below the most recent recommendations of CRC on Croatia:

Convention on the Rights of the Child (CRC)
CRC/C/15/Add.243, 3 November 2004:

- The Committee recommends that the principle of “the best interests of the child” contained in article 3 be systematically implemented in judicial and administrative decisions as well as in programmes, projects and services with regard to children in various situations, in particular children belonging to vulnerable and minority groups.

- The Committee recommends that the State party ensure the effective implementation of the new Asylum Law and that refugee and asylum-seeking children have access to basic services such as education and health, and that there is no discrimination in benefit entitlements for asylum-seeking families that could negatively affect children.

- The Committee also recommends that the State party take effective measures to resolve the problem of property owners, most of whom are Serbs, returning to their homes before their occupiers (refugees and displaced persons) have been able to find alternative shelter, and that further efforts be undertaken to facilitate the return of refugees and displaced persons. It also recommends that effective measures be undertaken to ensure that displaced children have equal access to education and health care.

- The Committee further recommends that the State party introduce specific laws or administrative regulations or directives that provide special procedures and address special needs of unaccompanied asylum-seeking and refugee children, and in particular ensure that these children have proper accommodation.

CRC Optional Protocol on the involvement of children in armed conflicts CRC/C/OPAC/HRV/CO/1, 23 October 2007:

- Identify at the earliest possible stage refugee, asylum-seeking and migrant children within its jurisdiction who may have been recruited or used in hostilities abroad, if any; and provide them with immediate, culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6, paragraph 3, of the Optional Protocol 1;

- Continue to take concrete action to implement the National Plan of Action for Children with respect to the protection, rehabilitation and social reintegration of children victims of war, including by providing specific budget allocations to this end.

Denmark: The Danish Government will submit the 4th Danish report to the UN Committee on the Rights of the Child in August.

The NGOs subsequently begin work with the supplementary report. The NGOs work together in the “The Children’s Convention Cooperation Group” in Denmark. Save the Children Denmark is the co-ordinator for the reporting process.

France: During its seminar on June 20 2008, the Défenseur des enfants underlined that the way we treat separated children has to follow and fully respect the CRC, and referred to the observations made by the Committee on the Rights of the Child on October 15 2007 - mentioned in the previous SCEP newsletter. The main elements are:

1. Challenging placement in waiting zones through proper procedure;
2. Full implementation of the law regarding the ad hoc administrator;
3. Providing proper psychological assistance;

4. Protection in waiting zones through strict control of public access.

Link for observations of CRC:

www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.OPSC.FRA.CO.1.pdf –

Germany: On 18 January 2008, the Committee on the Rights of the Child held its hearing on the Report of the Federal Republic of Germany pursuant to Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. The Federal Office for Migration and Refugees (FedOff) was present to report on the treatment of former child soldiers in the German asylum procedure. All documents, including the Report by Germany, the list of issues to be taken up, the written replies and the Concluding Observations could be found at: www2.ohchr.org/english/bodies/crc/crcs47.htm.

Kindernothilfe and terre des hommes published a shadow report which could be downloaded, in English, at:

en.kindernothilfe.org/en/Rubrik/News/Shadow+Report+_Child+soldiers_+published.html

and in German at:

www.tdh.de/content/materialien/download/index.htm?&action=details&id=249

As follow-up measures the FedOff took up a lot of activities, e.g. a training for adjudicators who deal with separated children, which took place in June 2008, and an internal monitoring of decisions taken by the FedOff on separated children up to age 18 with a special focus on possible cases of child soldiers. The FedOff also discussed with German NGOs possibilities to improve the conditions for those separated children who are older than 16 and who have the legal capacity to file an asylum application on their own. In anticipation of no. 8 of the Concluding Observations the FedOff started in January 2008 to count all unaccompanied minors up to age 18 who apply for asylum.

On 30 April 2008 there was an expert meeting on the Concluding Observations organized by the German Institute for Human Rights in Berlin, where the FedOff, the Federal Ministry of the Interior and the Federal Association for Unaccompanied Minor Refugees had an active part when discussing the consequences of the Concluding Observations on the treatment of asylum seeking and refugee children. The Concluding Observations have been translated into German by the Kindernothilfe and terre des hommes, which facilitates their distribution.

Ireland: Committee on the Rights of the Child, Concluding observations on the Optional Protocol

on the Involvement of Children in Armed Conflict, February 2008 at

www2.ohchr.org/english/bodies/crc/docs/co/CRC.C-C-OPAC-IRL-CO-1.pdf

“The Committee is concerned about the absence of an identification mechanism for asylum-seeking and refugee children who may have been recruited or used in hostilities, or a specific strategy for their physical and psychological recovery and social reintegration. In this connection, the Committee reiterates its concern about the insufficient supervision of and care provided to unaccompanied asylum-seeking children”.

The Irish Refugee Council contributed to the Children’s Rights Alliance’s Submission to the United Nations Committee on the Rights of the Child on the Optional Protocol on the Involvement of Children in Armed Conflict (October 2007).

www.childrensrights.ie/pubs/SubUNCRC_OPAC_October2007.pdf**The**

The Netherlands: The Dutch Coalition for Children’s Rights has drafted a third report on the implementation of the Convention on the Rights of the Child.

The Coalition advocates that, with a view to their development, unaccompanied minor aliens should receive a definitive answer as to the possibility of residence in the Netherlands as soon as possible.

Particular attention needs to be devoted to unaccompanied minor aliens who have lived in a Dutch foster family for many years and have developed ties with their foster parents.

The Deputy Minister of Justice announced in a letter to the Parliament of 29 January 2008 a policy change for families who are to be detained upon their departure (see also 4. Detention). A maximum of 14 days of pre-departure detention is introduced for families with children. This is a major improvement but worries still exist about the necessity of this detention. Moreover, for the unaccompanied minors no improvements are made at all. They are detained at a wing for youth in a prison for adults. The Dutch NGO Coalition for Children’s Rights views these differences in treatment of children with and without parents as a violation of article 2 of the CRC.

The Coalition is extremely concerned about the large number of unaccompanied minor aliens who disappear and will find themselves in extremely vulnerable positions in which they constitute an easy prey for persons wishing to exploit and/or abuse them. Additional protection measures should be taken for all unaccompanied minor asylum seekers and other aliens entering the country until such time as has been determined that the individual minors are not in need of special care.

The Dutch NGO Coalition for Children's Rights perceives an important role for the guardians in preventing disappearances later in the procedure.

Norway: Norway's fourth periodic State report to the UN Committee on the Rights of the Child 2008 was finalized this spring, and the supplying report is to be finalized by August, but the whole process has now been postponed until next year, 2009, due to backlog in the UN.

Spain: The Spanish Government has presented to the Committee its 3rd and 4th report on the application of the Convention of the Rights of the Child in Spain
NGOs are working on the alternative report.

UK: The UK government announced a review of the reservation on the UN Convention on the Rights of the Child 1989 ('the UNCRC') for children subject to immigration control on 14 January 2008. An announcement is expected later in the year. For the full Home Office press release, see: nds.coi.gov.uk/Content/Detail.asp?ReleaseID=344732&NewsAreaID=2

Members of Scottish Parliament ('MSPs') support the removal of the reservation to the UNCRC. A motion asking MSPs to support the removal of the reservation to the UNCRC which allows the UK Government to pay no attention to the rights of asylum seeking children was submitted in the week of Friday 13 June 2008 in the Scottish Parliament. Patrick Harvie MSP, Convener of the Cross Party Group on Refugee and Asylum Seekers, submitted the motion on the behalf of Save the Children. See motion S3M-1794:
www.scottish.parliament.uk/business/motionsAndAmendments/motions.htm

Analysis of Children's rights in England 2008:
UNICEF UK has joined with over a hundred other children's rights organisations, as part of the Children's Rights Alliance for England coalition ('the CRAE'), to launch a report revealing how the UK Government is still failing to embrace children's rights.

The report, 'Analysis of Children's Rights in England 2008', highlights that the UK Government is not fully implementing the UNCRC; a treaty that they committed to in 1991 and which gives children and young people all round the world a number of rights.

There are 152 recommendations included in the report, ranging from issues such as strengthening UK child protection laws and increasing resources to end child poverty and inequality. Over 30 breaches of the UNCRC have been identified. The report has been sent to the UN Committee on the Rights of the Child who will examine the UK

Government's performance on implementing the UNCRC on 11 June 2008 in Geneva.

Included in these recommendations are the following:

- Immediately stop the policy of detaining families with children under Immigration Act powers; and
- Provide equal financial support to asylum-seeking families.

For further information please see:

www.crae.org.uk/cms/dmdocuments/England%20NGO%20report%20summary%20June%202008.pdf

Changes and Developments in Law, Policies and Practice

Austria: By July 1st 2008 the Asylum Court will become effective. It will replace the former second level of jurisdiction for asylum procedures, the Independent Federal Asylum Review Board. Asylum seekers will no longer be able to appeal to the former third level of jurisdiction, the Administrative Court. This decision was highly criticized by NGOs and UNHCR.

The Constitutional Court claims that also the persons concerned will be able to ask for the right to stay (Bleiberecht) for humanitarian reasons and not only ex officio. The government was given 9 months to repair the existing law according to this decision.

Mrs. Maria Fekter replaced Mr. Günther Platter as Minister of Internal Affairs.

Belgium: Law carrying various provisions related to health care, December 13 2006 (M.B. December 22 2006) - Chapter XVI "insurance of the minors": right to refunding health care provided to unaccompanied foreign minors, whatever their administrative status, as far as they have followed a scholarship for 3 successive months if they are above 6 years old, or have been presented to a youth help service if they are under 6 or are exempted of compulsory education. Entry into force, in principle, January 1 2008, but one has to await the circular of the INAMI (National Institute of Health Insurance), May 9 2008 to make the right to refunding health care provided to unaccompanied foreign minors effective.

Bulgaria: In April 2008 Bulgaria adopted a new National Programme for the Integration of Refugees for the period 2008-2010.

Croatia: The new Law on Asylum (LoA) entered into force on 1 January 2008 (adopted 13 July 2007). The principle of the best interest of the child is fully respected in the new LoA.

With reference to other persons of concern to UNHCR, the new Law on Foreigners (LoF) entered into force on 1 January 2008 (adopted 13 July 2007). The new 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. According to 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 and ultimately children are not to be detained. A victim granted temporary stay is entitled to safe accommodation, health protection, financial assistance, education and employment. (See also under “Trafficking”)

On 5 September 2007, Croatia ratified the CoE’s Convention for Action against Trafficking in Human Beings.

Additionally, on 25 October 2007 Croatia signed the CoE’s Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Finland: The Finnish Immigration Service aims to be better than its predecessor.

There are continuous changes going on in the administration. As reported earlier last year the overall responsibility on migration issues (reception as well as integration) was moved from the Ministry of Labour to the Ministry of Interior. The next step is to move it again – from the political level in the ministry to the executive or implementing level. The implementing body would be the Immigration Service (former known as the Directorate of Immigration), the body which is doing the investigation of asylum claims and giving residence permits.

The Ministry of Interior launched a report which was made by Ole Norrback, an active long term politician and a former minister. The report emphasizes the importance of migration in the context of getting foreign labour to Finland. It also introduces a new model of administration.

NGOs and many other actors (Helsinki City among them) have given very critical statements on the launch of a new “Super Bureau”. The discussion, however, has also been quite constructive and hopefully will go on before suggestions are going further.

The Directorate of Immigration has been preparing for possible changes already for some time. According to the new Finnish Immigration Service the name change is more than a mere facelift. The new bureau promises to be more service-oriented,

more open and more active as a social actor than its predecessor.

France: Article L112-3 of the law n°2007-293 of March 5 2007 allows children, who are temporarily or permanently deprived of their families, to be protected by obliging the department and jurisdiction (Juge des enfants) to intervene. This reform has allowed the perception of separated minors to evolve but this is not always the case in practice everywhere.

Link for recommendations made at the Défenseure des Enfants’ seminar:

www.defenseurdesenfants.fr/pdf/RECOMMANDATIONS_MEI_2008.06.20.pdf

The Défenseure des enfants made an assessment of the different practices in the nation’s various regions and organizations. She pointed out the heterogeneous practices but also noted that several departments have set up their own plans thanks to a network of several participants. This led her to make suggestions to homogenize and improve policies and professional practices for separated minors in France. The question of who will finance this process remains unanswered as each department receives different numbers of separated minors.

New trends observed recently concerning the population of separated minors arriving in France are :

1. A much wider variety of nationalities (more than 30 different countries).
2. A lot more children are declared as “enfants errants” (wandering children) who have gone through several countries before reaching France rather than coming directly from their country of origin.
3. Children are younger and younger – in the department of the Seine Saint Denis (suburb of Paris, location of Roissy-Charles de Gaulle airport), in 2007, 33 youngsters were under the age of 6 years old, 15 of which were between 0 and 2 years old. Chinese children are often between the ages of 6 and 10.
4. There are more and more serious cases of mistreatment among the older children such as prostitution which also puts the other children present in the same foster homes in danger but we do not yet have any data from the Ministre de la justice and the Ministre de l’intérieur.

Hungary: Numbers of arrivals are increasing, especially of minors arriving from Somalia.

The new law on refugees from the 1st of January 2008 acknowledges the special needs of separated children in terms of reception, procedure and family reunification. It also says that decisions about

minors must be made according to the best interest of the child.

Ireland: The Immigration, Residence and Protection Bill 2008 is currently being debated in the Parliament Committee on Justice, Defence, Equality and Women's Rights. The Bill will likely be adopted by the end of this year.

Press release from the Department of Justice at: www.justice.ie/en/JELR/Pages/Launch%20of%20new%20Immigration%20Bill

Text of the Bill at:

www.oireachtas.ie/documents/bills28/bills/2008/0208/B0208D.pdf

The transcripts of the debates thus far can be found at:

debates.oireachtas.ie/CommitteeMenu.aspx?Dail=30&Cid=JU

UNHCR made a number of recommendations to the Bill in relation to children in the published comments to the bill available through www.unhcr.org

The Irish Refugee Council, in coordination with Integrating Ireland and Refugee Information Service, has drafted amendments to the Bill. Some of these amendments have been tabled and still being tabled by parliamentarians. A compilation of these amendments, as well as a compilation of the specific amendments relating to separated children, is available from the Irish Refugee Council.

For more information and NGO positions, please contact the IRC to receive electronic versions of the following submissions:

- 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

- Irish Refugee Council, The Right to Protection Submission to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on the protection aspects of the Immigration, Residence and Protection Bill, March 2008.

- Irish Refugee Council's Submission on Provisions of the Immigration, Residence and Protection Bill 2008 related to the Protection of Separated Children, April 2008. This submission compiles references from CRC, Irish Human Rights Commission, Law Society, Special Rapporteur on Child Protection, Ombudsman for Children and UNHCR.

- Suggested amendment language prepared by barrister and draftsman Brian Barrington – based on analysis and feedback from the Irish Refugee Council, Integrating Ireland and the Refugee Information Service. The NGOs used this 'amendment' language to lobby relevant decision makers. Following the Irish Refugee Council's submission and recommendation, the NGOs are

advocating for a new section in the Bill outlining protection for separated children. This draft legal text contains model language addressing such issues as identification, age assessment, guardianship and the best interests determination.

- Children's Rights Alliance Submission on the Immigration, Residency and Protection Bill 2008 (April 2008)

www.childrensrights.ie/pubs/SubIRPBill2008.pdf

- Barnardos' submission on the Immigration, Residence and Protection Bill 2008.

www.barnardos.ie/publications/files/ADVO_immigration_residency_protectionbill08.pdf

- UNHCR's Submission:

[www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees30thDail/J-](http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees30thDail/J-JusticeEDWR/Reports_2008/submission03.doc)

[JusticeEDWR/Reports_2008/submission03.doc](http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees30thDail/J-JusticeEDWR/Reports_2008/submission03.doc)

A useful compilation of the submissions sent to the Oireachtas Joint Committee on the Bill is available at:

[www.oireachtas.ie/ViewDoc.asp?fn=/documents/Committees30thDail/J-](http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/Committees30thDail/J-JusticeEDWR/Reports_2008/ListofSubmission.htm)

[JusticeEDWR/Reports_2008/ListofSubmission.htm](http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/Committees30thDail/J-JusticeEDWR/Reports_2008/ListofSubmission.htm)

Poland: 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 force. The major development concerns the access to state-financed integration programs by persons granted complementary protection (including unaccompanied minors 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 – legal guardian and custodian, currently there is only a legal guardian. However, if needed a custodian may be appointed on the basis of the Civil Code.

Slovenia: A new Law on International Protection entered into force on 4th of January 2008. The new law deteriorates standards on treatment of asylum seekers, also separated children.

The most worrying article that affects separated children is that the guardian can also be a person who accompanies a child - the problem is that Slovenia does not have mechanisms to determine who is a person who accompanies a child and if he/she will act in the best interest of a child.

New law also abolishes the article that stipulated that separated children should not be returned to a country of origin or to a third country which is willing to accept them until suitable reception and care are provided, and that separated children shouldn't be returned if their return is not in accordance with adopted international documents.

Objections and proposals that were prepared by NGOs and UNHCR were not taken into consideration.

Spain: On February 11 2008 representatives from the Spanish and the Senegalese governments had a meeting in Madrid related to the situation of all Senegalese separated children in Spain. The meeting was basically about putting in track the agreement signed by both countries on December 5 of 2006 on cooperation in the area of the prevention of the migration of Senegalese children, assisted repatriation, and their protection and rehabilitation.

The situation of separated children in the Canary Islands continues generating a hard debate between the central Government and the regional Executive. While the Council of Social Welfare of the Canary Islands has turned into the voice of these children, the government ignores their intention to stay in Spain. According to the declaration of the Government of Canary, this institution maintains that minors' repatriations "are not the solution to the problem". In fact, they believe that the diffusion of information like this could turn on the alarm among the separated children and even worse than that: it could provoke many of them to try to escape from the protection centres to avoid a possible repatriation.

The coordination of different policies between the different Autonomous Communities for reception of separated children will depend from this April on the Secretary of State of Social Affairs, Families and Attention to the Dependence and the Disability located in the new Ministry of Education, Social Affairs and Sport, as demonstrated in public after her possession, the secretary of State of Emigration and Immigration, Consuelo Rumí. This is one of the changes introduced by the re elected president of Spain, Rodríguez Zapatero in the structure of the different ministries on the beginning of his second mandate: the movement of the secretary of Social Affairs from the former Ministry of Labour and Social Affairs to the new Ministry of Education.

The latest Annual Report of the Ombudsman (2007) underlines some problems and worries about the treatment given to minors.

First of all, irregularities in documentation: while is very important to give them the residence permit, in many cases there are obstacles that make it difficult to obtain the legal authorization, for example the delay in bureaucratic processes and the refusal when the minor is to turn 18.

Moreover, the Ombudsman suggests creating a Protocol on procedures in family reunification, so as to state some common procedures, due to the

frequent lack of coordination between the different institutions and actors implicated.

We also have to take into account the bad conditions of the protection centres, as a recent investigation noticed.

Finally, the report expresses a serious complaint about how the Autonomous Communities exercise the guardianship. Generally speaking, there is a lack of advising and weak child participation in decisions regarding their own lives.

Switzerland: On 1 January 2008 the remaining provisions of the amended Asylum Law and the new Aliens Law entered into force.

Under the new legislation, UNHCR is no longer part of the asylum procedure that is now carried out under the entire responsibility of the Swiss authorities.

Since 1 January 2008 at least two applications of separated children have been processed while the latter were in de-facto detention at Zurich Airport since UNHCR no longer has a legal entitlement to veto such cases.

UK: UK Borders Act 2007, Commencement: 31 January 2008:

Further to the commencement of the UK Borders Act 2007, the UNHCR is concerned about the requirement for biometric testing and the implications for refusing to undergo such testing (sections 5 and 7(2) of the UK Borders Act 2007). UNHCR has recommended that any decision to pursue the biometric testing of an asylum seeking child is made in the best interests of the child.

The Path to Citizenship: next steps in reforming the immigration system, 20 February 2008:

In February 2008, the UK Government published a Green Paper, 'The Path to Citizenship: next steps in reforming the immigration system', seeking views on proposed changes to the immigration system and paths to citizenship. The consultation period closed in May 2008. By summer 2008 the UK Government intend to allow for further consultation by publishing a draft of this Bill.

The Green Paper outlines reforms to the UK immigration system and includes a commitment to 'honour our asylum obligations but make and enforce decisions much faster, and with a more sensitive treatment for children'.

For further information please see:

www.ukba.homeoffice.gov.uk/managingborders/simplifying

and

www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/pathtocitizenship/

By the end of November 2008 the Government intend to introduce a new immigration Bill in

Parliament to consolidate and simplify UK immigration and nationality law.

Changes to the Immigration Rules, HC 321: 1 April 2008:

Concern has been raised as regards the change to paragraph 47 of HC 321 that introduces mandatory bans on re-entry to the UK for various lengths of time for certain breaches of immigration law. As a consequence of this change, it is necessary to refuse any application for leave to enter the UK if the applicant has previously breached immigration law in any of the ways set out in paragraph 47.

Children and Young Persons Bill 2007-08, Second reading: 16 June 2008:

The Children and Young Persons Bill has finished its passage through the House of Lords and second reading in the House of Commons took place on 16 June 2008.

In the House of Lords the Refugee Children's Consortium Lobby Sub-Group pursued three main areas including adding the UK Border Agency ('the UKBA') to the list of bodies covered by section 11 of the Children Act 2004 to be subject to the duty to make arrangements to safeguard and promote the welfare of children.

The Bill moves to its Committee stage in the House of Commons on 24 June 2008.

Detention

Austria: In 2007, 163 persons between 14 and 18 years were in detention pending deportation (separated and accompanied children). But it happens more often that youngsters assessed as adults are detained. In these cases some of them are deported quickly.

For the year 2008 a new electronic documentation system of detention pending deportation is planned, to obtain better information.

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.

The procedure established under the Agreement between National Service "Police", Migration Directorate, Bulgarian Helsinki Committee, Bulgarian Red Cross and Caritas-Bulgaria to release aliens (among them finally rejected asylum seekers) who have been detained for period longer than 6 months, some more than a year, started its practical implementation in January 2008.

Croatia: Separated children seeking asylum as well as separated children are not detained. However, in 2008 one minor asylum seeker – accompanied by his family - was held in the Reception Centre for Illegal Migrants i.e. Detention Centre Jezevo (closed facility). Following repeated demarches by UNHCR and its implementing partner, the Croatian Law Centre, the competent authority accepted to move only the minor to appropriate accommodation, and thus dissolving family unity. The asylum claims were rejected, as they were manifestly unfounded.

France: Nowadays, minors under the age of 13 are placed in specific hotels and taken care of by airline-trained childcare personnel. Neither ad hoc administrators nor NGOs can enter these but the former can easily meet with the child in a waiting zone upon demand while the latter has more trouble meeting with these children.

Children over the age of 13 are placed in waiting zones with adults.

There is a project underway to create special quarters for minors but it is not yet clear as to how many rooms there will be, by when it will be finished, as to which age group will benefit from it - all minors or just those under the age of 13 - and if the separation from adults will be fully enforced or not.

Duration of detention in waiting zones:

By law, children are treated the same as adults with regards to the duration of detention (4 days without any judiciary decision + 2 x 8 days based on the decision by the Juge des libertés et de la détention (Freedoms and Detention Judge) = 20 days maximum).

In 2007, according to the Service Educatif Auprès du Tribunal (SEAT) of Bobigny, 165 separated minors were released by the Juge des libertés et de la détention and up until June 2008, 154 have been released (this does not mean that access to the territory is easier but rather is a consequence of a much higher number of arrivals throughout 2007-2008).

Hungary: No children are detained in Hungary.

Ireland: There are concerns about separation of families when a parent is detained on immigration grounds. The Irish Refugee Council will seek more information about this and advocates that families should not be separated and individuals should not be detained for immigration related offences.

The Netherlands: In January 2008 the State Secretary of Justice announced that the Convention on the Rights of the Child will be the guiding principle for her policy concerning the detention of juveniles. Children will be held in detention with

their parents for a maximum of 14 days. The NGO's who jointly worked on the campaign 'Children don't belong in detention' since 2006, are delighted about this announcement.

However the organisations are still concerned about the group of separated children who are excluded from the 14-days policy. The organisations have written a letter to the Lower House of Parliament and the State Secretary of Justice to express their concerns. Detention should be the last resort and it should not take longer than necessary.

Norway: Immigrants with final rejection on their application for asylum (and who have not been granted residence for any other reason), are obliged to leave the country voluntarily. If he/she does not, 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, neither unaccompanied minors nor separated children shall be detained nor subjected to the pre-screening detention.

Romania: No separated children are in detention. According to the Romanian asylum law (122/2006) separated children are exempted from border procedure and they are immediately granted access to the territory. Also according to the Romanian asylum legislation, separated children seeking asylum cannot be held in detention solely on the ground of being asylum-seekers

Slovenia: In 2008, 14 separated children were deprived of liberty because they illegally entered or illegally resided in Slovenia. They were held in detention between a few days up to two weeks.

Spain: In coordination with Save the Children Brussels Office, Save the Children Spain sent a letter to the Spanish Government highlighting its concerns on the Return Directive, especially the provisions related to detention of minors and the essential safeguards for the return.

UK: The numbers of age disputed young people in detention referred to by the Refugee Council Children's Panel dropped from 114 in 2006 to 52 in 2007. However, the number detained so far in 2008 has risen considerably; the Refugee Council was aware of over 60 by end of May.

Following continued public pressure to end the detention of children, the devolved Government for

Scotland Government is working with the UKBA to develop an alternative to detention in Scotland.

Alternative to Detention in England:

The Home Office are running an 'Alternative to Detention' Pilot Scheme for families that are Appeal Rights Exhausted ('ARE'). The pilot is called 'A2D' and is being run by Migrant Helpline at an accommodation centre in Kent. The pilot is running for 12 months from November 2007 to October 2008. The alternative to detention pilot is supported by non government organisations as it helps families whilst they prepare to return home at the end of the asylum process, without recourse to the detention of children.

The pilot will accommodate up to 45 families using existing asylum accommodation and service providers. Migrant Helpline, an independent organisation, will work closely with the families to support them whilst they are in the accommodation. The families will be accommodated for an average of 8 weeks, during which time they will work with dedicated advisers who will explain the procedure for voluntary return and liaise with the International Organisation for Migration to facilitate their return. The project is being closely watched by NGOs who have some concerns that it may not offer a true choice or alternative for families. To-date this pilot had not resulted in any of the families referred into it taking up assisted voluntary repatriation.

The Migrant Helpline briefing can be found at: www.migranthelpline.org.uk/index.php?option=com_content&task=view&id=87&Itemid=64

Age Assessment

Austria: On February 26 2008 a press conference regarding age assessment took place in Salzburg, organized by the Kinder- und Jugendanwaltschaft Salzburg (Children's Ombudsoffice Salzburg).

Until present, the Federal Asylum Agency has doctors to assess the age of separated children. A paediatrician has started to undertake these age assessments, and in most of the cases the person is assessed as being an adult. The quality of these assessments is still very poor.

Estonia: According to the annual action plan 2007 of the Estonian Strategy for Guaranteeing the Rights of the Child a Citizenship and Migration Board is responsible for developing a guideline for age assessment. There is no report of the progress available yet.

France: The question of age assessment is of particular concern because a majority of separated minors coming to France seeking asylum are between the ages of 16 and 18. This is the age

bracket where there is the largest margin of error in bone age expertise (18 months).

Despite the recommendations of the Comité Consultative National d'Éthique (National Advisory Committee of Ethics) in 2005 and the Académie Nationale de Médecine (National Academy of Medicine) in 2007, showing the medical uncertainty of the methods used for those over 16, France persists in using age assessment methods in a dispersed way, notably when the validity of their ID is doubted: some regions never use it, some use it systematically and others use it in certain cases 'based on judgement'.

It is necessary to avoid arbitrary situations by creating a set of minimum procedures to follow: ID is by law proof enough of the child's age; the child's consent must be obtained as well as that of his legal representative (ad hoc administrator); multiple age assessment tests must be performed as well as multiple readings of the results; and the judge should retain his ability to decide based on his own judgment despite the medical results delivered.

822 minors declared themselves as minors at Roissy-Charles de Gaulle airport in 2007. 680 of these were confirmed as minors after bone age expertise, 455 of which were over 13 years old and 225 under 13. 424 were admitted onto the territory. (According to the PAF at Roissy-Charles de Gaulle).

Germany: A new and comprehensive manual on age assessment has been published in German. It includes medical fundamentals on the various methods of x-ray, but has its focus on a legal evaluation of age assessment methods as x-ray on the background of the German law and jurisprudence. The authors advocate for medical age assessment.

Markus Parzeller, Hansjürgen Bratzke, Frank Ramsthaler (Editors): *Praxishandbuch Forensische Altersdiagnostik bei Lebenden. Medizinische und rechtliche Grundlagen*, 2007, 32 Euro, ISBN: 3415039706

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.

The Netherlands: As of this year the Netherlands Forensic Institute (NFI) will take care of the reports of age assessment for separated children instead of Mr. H. Th. van der Pas, who composed more than ten thousand age reports for the Immigration Service (IND).

The report for age assessment has been renewed and is accompanied by an appendix for professionals. Criticism about the methods for age assessment (such as the judgement of the X-rays)

remains unspoken. Experts will still be working anonymously. Doctors have expressed their concerns about the methods in a newsletter for Asylum and Refugee law.

Norway: The Immigration Authorities are currently looking at new methods for age assessment, supplementing the dental test now carried out. In 2007, 43 percent 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.

Save the Children Norway has developed an alternative model based on SCEP's Statement of Good Practice, where age is assessed first at arrival, supporting the decision about which care centre to send the child to, and then after 3-4 months, by independent professionals with appropriate expertise, based on various tests and statements. This latter is meant to be the legal decision about the age.

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 the alien claiming to be a minor gives reasons 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 contain, apart from establishing the age, 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.

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".

The practice of the territorial Centres of the Directorate for Asylum and Integration is to request forensic medical examination to evaluate the age in all cases of undocumented separated children. In all the cases Romanian National Council for Refugees, CNRR, is aware of the age assessment being conducted.

Spain: A ruling of the High Court of Justice of Gipuzkoa has revoked a statutory order of Gipuzkoa Deputation (regional government) by which medical tests were practised automatically to all separated children that were in that province,

without bearing in mind their passports as a proof that they were minors. The ruling reminds to the Deputation and the fiscal that the passport is an international documentation that does not need a medical test to support it.

Sadly, many institutions such as Vitoria Deputation are considering that many young immigrants are taking advantage of this jurisprudence and they are presenting forged passports so as to appear as minors and avoid repatriation.

Switzerland: The Swiss appeals instance, the Federal Administrative Tribunal, decided in September 2007 that no scientifically sound statement about the age of an applicant could be made by bone examination (Decision FAT 20/09/2007; E 5758/2006). The physical appearance of the applicant should not influence the decision either.

The assessment has to be based exclusively on the general credibility of the applicant's statements on his journey to Switzerland or on elementary facts on his country of origin. Still bone examinations continued to be commissioned by the Federal Office for Migration during the reporting period for use as one credibility indicator.

UK: Better Outcomes: The Way Forward. Improving the care of unaccompanied asylum seeking children, January 2008:

In January 2008 the Home Office published a paper entitled 'Better Outcomes: The Way Forward. Improving the care of unaccompanied asylum seeking children' which can be found at:

www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/uasc/betteroutcomes.pdf?view=Binary

As referred to in this document, the Home Office have set up a working group to look at 'putting in place better procedures to assess age in order to ensure children and adults are not accommodated together.' The working group have met a number of times and are due to report publicly in summer 2008 with recommendations for the way forward.

Age Assessment in Court:

In June 2008 a potentially very significant court case is being heard on the matter of medical age assessment and the role of local authority children's services in age assessment. One local authority asked that the judge find that medical age assessments have no value in assessing age; the judge has found that they do have value. The Court is now dealing with the issue of whether age assessments by local authorities are fair given the lack of independence of the local authority and their financial interest in the outcome of the assessment. This is whether they are 'fair' within the meaning of Article 6(1) and Article 8 of the European

Convention of Human Rights. We await the outcome.

Guardianship

Croatia: Unaccompanied minors/separated children are appointed a guardian upon registration. UNHCR is concerned with the exemption from appointment of guardianship as envisaged in the Law on Asylum for unaccompanied minors/separated children between the age of 16-18.

Registration of asylum seekers is done in accordance with ExCom Conclusion No. 91.

Legal guardians have received training in the past, but UNHCR notes a lack of experience of guardians, particularly in complex cases which may involve trafficking.

In practice, guardians are social welfare officers or adult members of the group with whom the unaccompanied/separated child traveled. Social welfare officers are mostly social work professionals, who are already 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.

Denmark: The Danish authorities are in the process of completing the first assessment of the guardianship system in Denmark. We are currently waiting for the official assessment.

Estonia: In cooperation with the Ministry of Social Affairs the Citizenship and Migration Board is responsible to develop a guideline for establishing guardianship. There is no report of the progress available yet.

France: Ad hoc administrator:

In practice, ad hoc administrators seem to be rarely appointed for minors outside of waiting zones, creating a deficit in legal representation for these children while waiting for the designation of a legal guardian, notably for asylum seekers within the territory and not at the border.

In waiting zones (mostly in Roissy-Charles de Gaulle), the Police aux frontières (PAF) notifies the prosecutor of the separated child's arrival, who then contacts the Croix-Rouge Française (French Red Cross), who in turn appoints the ad hoc administrator. There was a 36% increase in requests for an ad hoc administrator to the Croix-Rouge Française in 2007.

In 2007, out of 796 designations of ad hoc administrators by the prosecutor to the Croix-Rouge Française, 133 missions were refused (16%). Moreover, 36% of the children whose missions were accepted by the ad hoc administrators were

sent back to their country of origin or of transit within a day or less, therefore before the ad hoc administrator even had the time to arrive. This is contradictory to the PAF's claim that all separated minors benefit from the "jour franc" even if they do not ask for it. (The 'jour franc' is a 24 hour delay during which the person in question cannot be returned to their country of origin so as to seek asylum as long as it is asked for).

The ad hoc administrator often does not arrive in time for many reasons: they are volunteers, lack of availability 24h/24h, the airport is far from the city, there are no replacement ad hoc administrators available and most importantly the notification process is too long. These problems were brought up by the Commissioner for Human Rights of the Council of Europe, Alvaro GIL-ROBLES, in his 2006 report and still remain a problem today.

Ad hoc administrators rarely contest decisions made by the Juge des libertés et de la détention even though these are often contrary to child's best interests. Moreover, the PAF admits to not notifying the ad hoc administrator when they forcefully return a child as they fear he would seize the Juge des enfants (Children's Judge). We can therefore doubt the ad hoc administrator's ability to properly guarantee the respect of a child's rights.

Some minors, while considered separated because they arrive alone, have family on the territory which declare themselves as such but who see their status ignored when wanting to choose a lawyer for their child. This is paradoxical as a separated minor is considered to be in danger mainly because he is separated from his family and yet he is not permitted to contact them.

Legal guardian:

The setting up of guardianship (usually by the Aide sociale aux enfants (ASE) for separated minors) is not systematic even though it is meant to provide a proper legal framework so that the appropriate measures may be taken concerning the child's future. The Juge des tutelles (Guardianship Judge) often refuses to pronounce himself if the child has no proper ID or if he could still potentially be in contact with his parents as they are not dead or missing. Sometimes certain Juges aux affaires familiales (Family Matters Judge) choose the delegation of the parental authority. Therefore, concerning the conditions of nomination of a legal guardian for the separated minor and its legal basis, there is no actual unified judiciary practice in France.

Hungary: The quality of the guardianship system has improved considerably but the relationship is still quite formal, it rather means legal representation only.

At the moment of the status decision the role of the so-called "case guardian" (guardian for the period

of asylum-procedure, a legal representative) is over. Separated children recognised as refugees are entitled to the same benefits as Hungarian children in care and custody. Then another qualified care-taker comes to the scene as the representative of the child. All along social workers of the NGO Hungarian Interchurch Aid are taking personal care of separated children.

Ireland: 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.

Luxembourg: Every minor that arrives in Luxembourg must have a guardian. Caritas shares this with Red Cross. Red Cross has the guardianship for minors until 16 years and Caritas from 16 until 17.

If minors have been appointed a guardian they cannot have their interview in the ministry.

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

NGOs (Save the Children Norway and Norwegian People's Aid) initiated an information campaign about guardianship, in coordination with the authorities. The campaign was successful, recruiting about a hundred new guardians for separated asylum seeking children.

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 such minor in a care institution.

Legal guardians are appointed for all categories of unaccompanied aliens. In the case of unaccompanied minors applying for asylum, the legal guardian takes care of the refugee status determination procedure; in case of other unaccompanied minors, the legal guardian is appointed by court to undertake all legal steps on behalf of the minor.

Romania: According to Article 16 Safeguards regarding unaccompanied minors seeking asylum, the Directorate for Asylum and Integration takes necessary steps for designation of a legal guardian for the separated child, in the shortest period

possible from the moment when a person declaring that (s)he is a separated child lodged the asylum applications.

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 (graduates of Law Faculty or of the Faculty for Social Assistance).

The legal guardian assists the child throughout the refugee status determination procedure, including during the age assessment process.

According to the article 39 of the Romanian asylum law

1. "The interests of minor aliens are protected by his/her legal representative.

2. The minor alien submits an asylum application through the legal representative, and in the case of minors who have turned 14 years of age, the asylum application can be submitted personally.

3. In the case of an unaccompanied minor alien who has expressed the will to obtain asylum, in writing or orally, before the competent authorities, the minor will be registered as an asylum-seeker, subsequently the asylum application will be submitted at the moment a legal representative will be named.

4. If the unaccompanied minor alien has expressed the will to obtain asylum, in writing or orally, before the competent authorities, other than the Romanian Immigration Office, the territorial organization of the specialized system of the Ministry of Administration and the Interior or the Justice Ministry which was informed will immediately notify the Romanian Immigration Office, which will ensure the transport of the applicant to the structure qualified to analyze the application."

Spain: Due to increase of the number of separated children in the Canary Islands, the Council of Social Welfare and the Canary Government has initiated a transfer of separated children to other Autonomous Communities, supporting the guardianship of these children and their assistance costs (80 Euros a day for every child, according to the Council of Social Welfare). This is the case of the minors derived to centres of reception of different NGOs in Murcia, Salamanca, León, Madrid, Ponferrada and Segovia, since December of 2007.

The autonomous community of Castilla and León received and attended 255 separated children in 2007, 48 per cent of them came from Romania. The provinces that received a major volume of children were Salamanca, Valladolid and León.

The Director of Infancy Issues of the Autonomous Community of Asturias, Eva Sanchez, considered that separated children's reception units are

nowadays saturated and said that Asturias do not have enough administrative resources. Because of that, she proposed some measures to solve this problem including the possibility that some of the minors, especially the youngest ones, could live in regime of reception with immigrant families already seated in Asturias. In this respect, she underlined that the department is working with the associations of Moroccans and Senegalese in Asturias, so as to start a program that would make this option possible.

Sweden: There are still difficulties in recruiting enough legal guardians (gode män) and there are still not sufficiently clear conditions concerning the legal guardians' responsibilities.

In a recent deportation decision from the Migration Board concerning a separated child from Northern Iraq, the task to find place at an institution in Northern Iraq for the child was said to be a task for the child and the legal guardian.

UK: There is currently no system of guardianship in the UK for children subject to immigration control. The Refugee Children's Consortium ("the RCC"), a network of organisations working with separated children, introduced a probing amendment to ascertain the UK Government's position on a system of guardianship for all separated children who are subject to immigration control in England and Wales. This confirmed that the UK government '...are not considering creating a system of legal guardianship for unaccompanied asylum-seeking children. The role of such a person is unclear'. They believe that the social worker and voluntary organisations already cover this role. The RCC and Save the Children challenge this stance.

Save the Children UK has undertaken research to explore the policy and practice debates for a system of guardianship and set out possible models that can fit the UK context. The research involved interviewing 59 stakeholders and looked at models in 3 European countries: Germany; Belgium, and the Netherlands. A summary of the research is expected to be published in June 2008.

Scotland:

The new Scottish Government has given full Cabinet level support to pilot a system of guardianship for separated children in Scotland as early as is practical. The Scottish Government has set up a working group to look at how the system of guardianship could be implemented, with the intention to have a pilot in place by end of summer 2008. Save the Children and Scottish Refugee Council are part of the working group and their research will seek to influence the process.

Reception

Austria: As informed in Newsletter no. 29, specialized homes for separated children are still working to capacity. A new house for separated children run by Evangelisches Diakoniewerk has been opened in the city of Graz.

Belgium: The system of reception for separated children, which was reformed by the law of January 12 2007, must still be implemented. This system will organise the reception of separated children, no matter their administrative status (asylum seeker, non-asylum seeker, victim of trafficking), but depending on the child's specific needs.

First, there are two observation and orientation centres where separated children can stay for 15 days (renewable for 15 days). In a second phase, they will be sent to reception centres depending on their specific needs.

Croatia: A lack of appropriate accommodation for unaccompanied and separated children foreign nationals (outside asylum seekers category) has been noted. However, in 2007, the premises of the Institution for Children with Behavioural Problems (in Zagreb) that accommodates unaccompanied and separated children were upgraded and more space was allocated for such children.

The space for accommodation of unaccompanied and separated children is limited. Moreover, there is not enough professional care and expertise.

UNHCR continues to advocate for and appropriate new reception centre for unaccompanied and separated children.

France: The Anafé meets with children in waiting zones after they have been notified of their rights and contribute to a more personalized form of care and information.

The Croix-Rouge Française has a permanent location in the waiting zones and provides the ad hoc administrators for Roissy-Charles de Gaulle (France Terre d'Asile provides them for Orly but very few separated minors arrive there).

The Lieu d'accueil et d'orientation (LAO) at Taverny is able to receive up to 30 children. It is managed by the Croix-Rouge Française but remains fragile as it is based on a temporary State initiative which needs to be renewed.

The Centre d'accueil et d'orientation pour les mineurs isolés demandeurs d'asile (CAOMIDA), a specialized centre run by the NGO France Terre d'Asile, welcomes and helps orient children.

Several departments have created platforms or plans dedicated to separated children such as: the Conseil General of the North with various relevant institutions and associations; the Paris plan, Cellule d'accueil des mineurs isolés étrangers (CAMIE) –

created in 2003, which coordinates several organizations in view of protecting and 'taming' minors in grave danger, offering temporary lodgings or shelter before they are taken in by the Conseil General; the Marseille plan, created in 1994, through the organization Jeunes errants, which tries to create contacts and connections with the child's country of origin so as to better understand the context surrounding his departure from his country and to create partnerships with associations working there. However, we have no information on the family tracing done by the latter nor the connection this organization may have with authorities such as the police or prosecutor.

Other associations that contribute to sheltering and fostering separated children: Enfants du monde-Droits de l'homme (EMDH), Arc 75, France Terre d'Asile, Hors la rue and Fondation d'Auteuil.

There is a deficit in proper emergency shelters adapted to the needs of separated children and when there is a lack of room they are often reoriented to places with no experience in dealing with children in that particular situation like hotels or foster homes.

In the first half of 2008, the ASE of the Seine Saint Denis admitted 216 new separated minors. In total, 695 separated minors and ex-minors were in the care of the ASE.

Hungary: In 2008 the Hungarian Interchurch Aid took over from the Hungarian Committee of the Red Cross. Asylum-seeking separated children are placed in a special shelter in the reception centre of Bicske (about 20 km from the capital city) and are provided with professional social care. Children can stay there for the time of the status determination procedure. After their recognition they can also stay there up to their age of 18 years if it is in their best interest (instead of moving to a mainstream child-care shelter).

To see more about the Hungarian Interchurch Aid's activity:

www.okumenikus.hu/object.9ff13eb0-ffaf-4ec7-9401-651b4b19111f.ivy

Ireland: The Health Service Executive plans to open 3 new homes for separated children in the Dublin area.

Standards/provision/inspections should be the same as for national children in residential care.

Luxembourg: There is no difference between the reception of the minors and the adults. One tries however to place the minors in structures where they are framed by social workers as soon as possible so that they do not stay too long together with adults.

The Netherlands: Since 1 January 2008, a pilot has started in response to a motion tabled by Hans Spekman. Mr. Spekman requested an action plan to protect former separated children from exploitation. Separated children who run a high risk of getting in a situation of exploitation will be placed in protected living groups. The children will live in small-scale living communities spread over the country. They will be kept under supervision 24 hours a day. The asylum application will be treated with primacy (when possible within three months). The pilot will last for two years and the goal is to get experience in preventing the possible exploitation and disappearance of separated children aged between thirteen and eighteen years old.

Norway: A chapter was this spring added to the Act Relating to Child Welfare Services (The Child Welfare Act), concerning separated minors arriving in Norway. It concerns their rights during the asylum process; meaning while their application for asylum is processed. The law currently only applies to separated children under the age of 15, it will apply to minors aged 15-18 in 2009.

The Child Welfare Service will be responsible for protecting the rights and interests of separated children. The Law seeks to ensure that children receive adequate care and prevent them from being subjected to extreme physical and psychological stress. The underlying principle governing all child welfare efforts is devotion to the child's best interests.

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 from the 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.

Asylum-seeking unaccompanied minors and separated children in Poland are accommodated in an orphanage in Warsaw, where a section is designated specially for them. Some of them had reached the age of 18 before the end of the asylum 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 refusal to grant 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 institutions of their country of origin whose statutory tasks include issues related to minors. Other separated children are upon 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 kindergarten system, and primary and lower-grade secondary education under the same conditions as Polish citizens.

The burden of providing adequate conditions of education for all children under the age of eighteen is placed on the State. Unaccompanied minors and separated children staying in orphanages, emergency care centres or reception facilities have access to education on the same grounds.

Unaccompanied minors and separated children have access to the medical services financed by the State.

Romania: If the child is over 16 years he may choose to stay in a centre under Romanian Immigration Office administration. If the child is younger than 16 (s)he should be taken to a centre under the Child Protection Authorities. A legal Guardian from Maramures reported two cases of children placed in such centres (under the administration of the child protection authorities).

Spain: There is an increase in the number of separated children arriving in the Canary Islands that the centres for protection of minors and NGOs such as Red Cross have noticed. In 2007 there has been a raise in the number of children arriving by fishing-boats, which is a trend that seems to continue in 2008.

Sweden: The situation has improved concerning municipalities taking responsibility about receiving separated children. As reported earlier, there were initially great problems with municipalities not entering into contracts with the Migration Board about receiving separated children after the change of responsibility from Migration Board to the municipalities that was legislated in July 2006. Now, over one hundred municipalities have entered into contracts about receiving children and the situation has improved significantly. The change is partly a result of raised national funding to the municipalities.

Switzerland: Swiss legislation does not foresee that unaccompanied or separated asylum-seeking children benefit from specialized reception facilities. In practice, the five federal-run reception centres do not dispose of any special reception structures for separated children. The latter must sleep in the dormitories that are separated only according to sex not to age.

In most centres, also families are regularly separated with female members being accommodated in the women's and male in the in men's dormitory.

Asylum counselling NGOs reported in April 2008 an incident of sexual harassment of two accompanied minors who were accommodated in a men's dormitory in the Vallorbe reception centres. For 10 days, two boys of 12 and 17 years of age whose mother was accommodated in the women's dormitory had to watch a masturbating asylum-seeker.

UK: On 19 May and 25 June 2008 UNHCR visited Dover port and then the Kent children's reception centre called Appledore. All irregular entrants who claim to be children are referred by UKBA to Kent Social Services. Where the age of the individual is in doubt Kent Social Services will conduct an age assessment. Social Services conduct a full 'Merton-compliant' age assessment. If the individual is a borderline case s/he is interviewed, observed and assessed by a Doctor. If the outcome is that the individual is probably a child s/he is accommodated in the children's centre, and if the child is very young s/he is sent into foster care.

Appledore, situated near Tonbridge in Kent, is a dedicated 'reception centre' for unaccompanied asylum-seeking children who arrive at Dover or who are picked up by the police in Kent. It accommodates a maximum of 27 (all-male) individuals, who sleep in single or double rooms. At the time of visiting there were mainly children from Afghanistan and Iraq (Kurds), as well as some other nationalities such as Eritreans. They stay for around four to five weeks at Appledore, where they learn (under supervision) domestic skills, such as how to cook and do their own laundry. They also go on orientation visits and partake in other activities such as maintaining the countryside and football tournaments. Whilst at Appledore they also have interviews via interpreters with UKBA and their legal representatives.

Missing Children

Denmark: In Question no. 100, the Committee for Foreigners and Integration Policy has asked the Minister about the question of the disappearance of unaccompanied minors. The Minister for Refugee, Immigration and Integration Affairs answered that in the period January 1 2002 to March 31 2008, 696

cases of disappearances were registered. Of these cases 29 were re-accommodated in Denmark after the authorities 're-discovered' them; 57 of the disappeared children received residence permits; 5 were detained; while 605 have left the country, are believed to have left the country or remain registered as disappeared. These figures can have a certain degree of uncertainty.

France: When a separated minor runs away not much is done to find him again. Often a statement is registered with the police, which means they are at least on file. In Paris, children in foster care that have run away are reported to the Juges des enfants, according to the common law on child protection, but those in shelters are not. According to an anonymous source, in the last 6 months (since January 2008) 43 minors have run away out of 240 in one of Paris' plans.

Today, one of the causes for the runaway phenomenon is perhaps linked to the saturation of the ASE's plans which leads certain shelters to keep children in their care for longer in conditions often not properly adapted to their situations: the analysis for the setting up of proper guardianship is a long process and many children run away before it is completed. They therefore need a period of adaptation which the various organizations do not necessarily have the required time, means or personnel for.

Hungary: 23 children went missing in 2007. In 2008, 76 children disappeared from the reception centre.

Ireland: During the debate on the Immigration, Residence and Protection Bill 2008, Deputy Denis Naughten cited the following statistics provided by the Department of Justice, Equality and Law Reform:

According to the figures furnished by the Minister's officials, 5,369 referrals were made to the Health Service Executive and 2,536 children were placed in care between 2000 and 2007. Of the 441 children who went missing, 53 are accounted for.

debates.oireachtas.ie/DDebate.aspx?F=JUS20080429.xml&Node=H2&Page=3

See also: www.independent.ie/national-news/one-fifth-of-foreign-children-in-care-go-missing-1353867.html

The Health Service Executive and Garda National Immigration Bureau are currently finalizing a protocol re: co-operation in cases when children go missing from State care.

Figures of separated children going missing from care have significantly decreased in 2008. Only 1

separated child has been reported as missing between the period January-May 2008.

Luxembourg: One 17 years old Russian boy disappeared in December 2007 and one 17 years old Ethiopian boy in March 2008.

The Netherlands: On 28 March 2008, two members (Arib and Spekman) of the Lower House of Parliament asked the State Secretary of Justice about the disappearance of 140 girls from Nigeria into prostitution. These 140 girls were possible victims of trafficking.

Arib and Spekman asked how many unaccompanied asylum seeking children went missing in the past years. The State Secretary of Justice answered that in 2007 a total of 122 unaccompanied asylum seeking children went missing 'with unknown destination'.

Norway: From 2005 to 2007, 51 minors disappeared from asylum centres. Out of these, 37 children are still missing.

PRESS - Save the Children Youth, had a campaign this spring about separated children disappearing from reception centres. They published a report stating that when a separated child has gone missing, the Child Welfare Service, legal guardian, Immigration authorities and the police shall all be notified. This process is working satisfactorily, but after these institutions have been notified, nothing happens. The police do not investigate these cases.

The Government has admitted that this topic has not been dealt with appropriately and a working group launched a state report about the matter in May. The affected agencies are now to review rules and procedures, and will aim at better teamwork in these cases. The Government will also continue to develop better tools 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.

UK: The Runaway and Missing Children Bill 2007-08 : a Private Members' Bill (under the Ten Minute Rule, SO No 23) introduced by Helen Southworth:

The Runaway and Missing Children Bill makes requirements regarding the safeguarding of runaway and missing children; and for connected purposes. Section 2 of the Bill states that 'It shall be the duty of the Secretary of State to make appropriate provision for the collecting and reporting of runaway and missing children and for the co-ordination among police, local authorities and other bodies.'

The first reading of the Bill took place in the House of Commons on 9 January 2008. The Second reading took place on 20 June 2008 and is to be resumed on 17 October 2008.

Dublin II practice

Austria: As mention in notes in the statistics section, in 66 cases in 2007 authorities did not believe the age of separated children. This happens at the Initial Reception centres and in most cases because of Dublin II information about a different age told in another country. As a result, most young people are sent to detention till the end of Dublin consultations or deportation.

Denmark: In April, Save the Children Denmark was invited, together with grassroots organisations and other NGOs who had taken initiative to invite LIBE to Denmark, to meet with a delegation from the European Parliament Committee, LIBE, who was in Denmark to examine the conditions offered to those seeking asylum.

Save the Children made a presentation in which we chose to place special focus on the connection between the fact that many separated children disappear from the Danish asylum centres and Denmark's implementation of Dublin II in relation to separated children. We emphasised that children often disappear in connection with being told that they are to be returned in accordance with the rules of Dublin II. Denmark ought to make an exception in the case of separated children and instead assess the short- and long-term solutions for the child in accordance with the principle of the best interests of the child.

In June 2008, the Minister for Refugees, Immigration and Integration decided to stop transfers of separated children to Greece under the Dublin regulation.

Germany: In relation to Article 6 Dublin II, it is pursuant to the German understanding, always in the best interests of the child to be reunited with family members, as far as there is no other indication.

As a general rule, Germany applies Article 3 (2) and Article 15 (3) Dublin II if a relative of the minor is willing and able to take care for the separated child residing in Germany.

With regard to returns to Greece the German Federal Police in Frankfurt/Main noticed in a letter of 30 January 2008 that there is a special decree of the Federal Ministry of the Interior that the Federal Office for Migration and Refugees refrains from returning minors to Greece under Dublin II. Indeed UNHCR and NGOs did not come across any cases

of minors returned to Greece after end of January 2008.

Hungary: Hungary has not yet transferred children under the Dublin II Regulations.

In 2007 3 children were returned to Hungary (from Belgium, Germany and Slovenia).

5 children were returned to Hungary in the first part of 2008 (from Belgium, Austria, Ireland and 2 persons from Germany).

Ireland: The Irish Refugee Council is particularly concerned about returns to Greece. The Irish Refugee Council wrote a letter to the Irish government urging it to stop all transfers to Greece and citing good practice from other EU Member States:

Finland – no transfers as of 18 April

Norway/Iceland – no transfers as of 07 February

Germany – no transfers of children as of January (http://www.athensnews.gr/athweb/nathens.prnt_article?e=C&f=13276&t=11&m=A13&aa=1)

Sweden – no transfers of children as of May (<http://www.thelocal.se/11584/20080507/>)

Belgium – court case, stopped transfer of an Iraqi national, 17 April

Sweden – court case, stopped transfer of an Iraqi national, 10 March

Germany – court case, stopped transfer of an Afghan family, 25 April

Considerable jurisprudence has developed in EU members Austria, Finland, Italy and Sweden. The courts in these countries have ruled in favour of asylum-seekers' pleas not to be returned to Greece.

Unfortunately, the Irish Government continues to send asylum seekers back to Greece, but this is also being challenged by Judicial Review in the Irish courts.

There is no information about returns of separated children, but some individuals who are age disputed have been returned to other EU Member States under Dublin II.

Luxembourg: Two young boys were returned to the first country where they had applied for asylum, one to France and one to Sweden.

Norway: The Dublin II practice does not apply to separated children arriving in Norway if they are age assessed to be minors. But as a result of the increasing number of asylum seekers arriving in Norway, the Minister of Labour and Social Inclusion launched some measures meant to send out signals to restrict the influx. Applying Dublin II to separated children was one of them, but the

suggestion was withdrawn after a debate in political circles and in the media.

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

Romania: Three separated children who left Romania after they were granted a form of protection and applied for asylum in different EU Member States were returned under the Dublin Regulation.

Slovakia: If unaccompanied minors are returned to Slovakia under the Dublin II they are admitted to the procedure without problems. There were no cases reported in 2008 that unaccompanied minors were detained when returned.

Sweden: In May 2008 the Migration Board decided to stop transfers of separated children to Greece under the Dublin regulation. The decision was taken after the Migration Board had undertaken a fact-finding visit to Greece.

Switzerland: Not yet applicable. It is expected that Switzerland and Liechtenstein will join the Schengen/Dublin system before November 2008.

UK: R. (on the application of Nasser) v Secretary of State for the Home Department [2008] EWCA Civ 464

In *Nasser 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 Nasser*) 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.

Procedures and Recognition

Bulgaria: Till the end of 2007 Iraqi asylum seekers have been granted humanitarian or refugee status. After January 2008 Iraqi asylum seekers who come from North Iraq and Iraqi Kurds were refused. The motivation is the lack of personal reasons to claim asylum. At the same time the situation in Iraq was assessed by the Administrative body as very tense.

Croatia: Unaccompanied and separated children, when identified during the refugee status determination procedure, are provided with guardians, appointed by the nearest Centre for Social Welfare. They are registered and interviewed by the Ministry of Interior officials, in the presence of the guardian appointed.

France: According to article 3.1 of the April 14 2005 interdepartmental bill, a child as well as his legal representative must be assisted by an interpreter and yet many ad hoc administrators complain that this is not common place but rather rare.

At Roissy-Charles de Gaulle airport, an interpreting service has been set up in the UN's main official languages (English, Spanish, Arabic, Chinese, Russian and French) but these do not include rare languages which are often interpreted by whoever the service can get their hands on no matter their profession or level of education or also by telephone.

Children under the age of 13 go for systematic medical check-ups but this is not always the case for those over 13, there is no psychological support in waiting zones and it is rare for anyone to be oriented towards a specialized service.

The law n°2006-911 of July 24 2006 relative to immigration and integration is to allow all asylum seekers to have a right to free legal representation (aide juridictionnelle) to contest a negative decision by the Office français de protection des réfugiés et apatrides (OFPRA) whether they arrived legally or illegally onto the French territory.

This change is to come into effect December 1 2008 and is particularly important for children.

Germany: In 2007 the Federal Office for Migration and Refugees took 111 decisions pertaining to separated children under age 16. In 8 cases refugee status was granted (pertaining to applicants from Iraq, Ethiopia, Kenya and Sri Lanka). In 10 cases subsidiary protection status was granted (pertaining to applicants from Afghanistan, D.R. Congo and Albania). In 80 cases the applications were rejected, in 13 cases the procedures were otherwise closed (e.g. Dublin-procedures).

The overall protection rate (refugee status and subsidiary protection) therefore was 16.2% including otherwise closed cases and 18.4% without otherwise closed cases. Main reasons for granting refugee status were affiliation to a religious minority (Iraq) and impending female genital mutilation (African countries).

In 2007, 17 separated children up to age 18 have been subject to the airport procedure in

Frankfurt/Main, which is a significantly decrease compared to 2006. Four of them have been finally rejected leave to enter Germany. The main countries of origin were DR Congo, Nigeria and Sri Lanka.

Hungary: 4 children - from Somalia, Afghanistan and Iran – were given refugee status in 2007. Another 3 children were given subsidiary protection status. Their countries of origin are Somalia, Ethiopia and Zimbabwe.

In 2008 a number of 18 children have been recognised, most of them of Somali origin but also 2 Afghans and some from Nigeria, Iraq, Sri Lanka, plus a Palestine minor.

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 in favourable circumstances, with the participation of a guardian, psychologist and an additional adult person, if specified by a minor.

Romania: Two separated children were granted subsidiary protection by the courts of Galati County. The others are pending procedures in different courts, mainly from Bucharest and Maramures County.

Slovakia: Slovakia has still remained a transit country for the unaccompanied minors in 2008. Thus, most of the asylum seekers do not wish to stay in Slovakia and they do not wait for their first decision in the asylum procedure.

The numbers of asylum seekers in general has dropped rapidly during the 2008.

Slovenia: Two minors, one from Afghanistan and one from Kosovo, were granted subsidiary protection.

Spain: NGOs as International Amnesty have denounced that the regional administrations delay the resolution of the residence permit processes so that, when the children turn 18, they will not have any documentation that allow them to have a normal life and they have to live in the street.

According to the latest Human Rights Watch Annual Report 2008 related to the situation of separated children in the Canary Islands, there is a lack in the access to public education. Also this NGO states that they detect "obstacles" in the

application of the legislation to request asylum besides cases "of abuse and negligence of the reception centres staff". Once again, the denunciations of the treatment given to the immigrants in the Autonomous Community of Canaries, in this case the children who are attended by the Government of Canaries, are the subject of a specific part of the annual report.

UK: Keeping children safe from harm - Code of Practice Consultation: 31 January 2008 :

The UKBA consulted on a new Code of Practice for Keeping Children Safe from Harm following the publication of the report: 'Better Outcomes: The Way Forward. Improving the Care of Unaccompanied Asylum Seeking Children'. This report commits the UKBA to deliver; 'better procedures for identifying and supporting unaccompanied asylum seeking children who are the victims of trafficking.'

www.bia.homeoffice.gov.uk/sitecontent/document/s/aboutus/consultations/closedconsultations/uasc/betteroutcomes.pdf?view=Binary

The UKBA published the consultation paper on the Code of Practice in order to seek a range of views on how to improve the way that children are handled within and by the immigration system. There is a lot of concern within the sector that while it is a positive step that such a code is introduced, the code itself needs a lot of revision if it is to fulfill its stated aims.

For further information please see:

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

UNHCR UK contributed comments in May 2008 to the UKBA on this code of practice consultation in the context of the wider reform process concerning unaccompanied asylum seeking children in the UK.

The Code puts the UKBA's their responsibilities towards children on a statutory basis (see section 21 of the UK Borders Act 2007).

Family Tracing and Reunification

Croatia: The Ministry of Interior is in charge to determine identity, nationality and to locate other members of the family of unaccompanied and separated children.

France: The ASE of the Seine Saint Denis has chosen to begin working directly with the countries of origin to organise the child's voluntary return or to prevent their arrival from the very beginning as long as it remains in the child's best interest.

The Croix-Rouge Française's LAO at Taverny tries to find children's origins as well as get into contact with their families all the while taking their situations into consideration.

Hors la rue remains in contact with NGOs on the field and has a good knowledge of Romanian which allows them to maintain proper contact with children's families so as to determine whether the child can properly return to his environment.

Many reception centres are not well adapted or do not have the means to put the child into contact with his family even though this would be necessary as a vast majority of them are mandated and parents or family often do not or cannot understand the true situation their child is in: that of danger.

Hungary: According to the new law on refugees, family tracing is a duty of the Office of Immigration and Nationality. OIN is calling for the help of such international organizations as the International Committee of Red Cross and Red Crescent and UHNCR, especially in the case of Somali family members with poor documentation.

At the moment there are two cases of family reunification in process. In one of them the parents and minor siblings of a recognised separated child are waiting to receive a Hungarian residence permit. The main problem is the lack of or poor reliability of Somali identity documents, including passports.

Ireland: A Refugee Information Service publication on the Family Reunification Application Process in Ireland is available at www.ris.ie/progressreport/RIS-report.pdf

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

The Netherlands: As of 1 June 2008 up to 2 September 2008 a temporary regulation has entered into force. With this regulation it is possible for refugees (and separated children) to get reunited with their family members. The conditions are that the person has gotten an asylum permit in the period between 1 April 2001 and 1 October 2006 and has made an effort before 30 May 2008 to get reunited with his family members.

Poland: In case 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.

Slovakia: If the information regarding family member(s) of the unaccompanied minor in another EU state is available, steps are always taken to

reunify the family as quickly as possible. However, such cases are rare since most of the unaccompanied minors voluntarily leave the territory of Slovakia.

Switzerland: In the last newsletter no 29, we reported in this place about a situation of a 10 year old separated child from the Democratic Republic of Congo who arrived in the Netherlands about one and a half year ago. His mother asked for Asylum in Switzerland around five years ago. The Swiss authorities rejected the request for a family reunification in Switzerland from their colleagues in the Netherlands in June 2007. Because the mother was at this time obliged to return to her country of origin, the Swiss authorities were not ready to let her son arrive in Switzerland.

In the meantime the mother received a provisional permit to stay in Switzerland. This status does still not give her the right to let her son come to Switzerland, but at least she is no longer obliged to leave the country. Furthermore, the Dutch authorities evaluated in the meantime the situation in the country of origin. They were not able to find any other family member of the young boy, therefore he cannot be returned to the Democratic Republic of Congo.

The guardian of the boy in the Netherlands is now trying to motivate the foreign authorities in the Netherlands to send another request of family reunification to their Swiss homologue. It will be very interesting to see how the Swiss authorities will respond this time, especially as the mother managed now to receive a duplicate of the birth certificate of her son that proves his identity.

UK: Tracing:

There is a lot of debate currently in the UK regarding the remit of UKBA's staff in tracing family members of separated children and regarding their ability to refuse to grant leave to separated children on the basis that safe reception arrangements can be made. Advocates working with separated children are very concerned that enquiries may be made in countries of origin that may make the child unsafe, and that the UKBA are able to decide that a child can return when proper checks about the safety and durability of that return have not been made.

Reunification:

On 1 April 2008 the Immigration Rules (paragraph 320 (7B)) were amended introducing a re-entry ban of one year for individuals who previously breached UK Immigration law, before leaving the UK voluntarily at their own expense. Those who receive a voluntary return assistance package will be banned from returning for five years, and those who are compulsorily removed will be banned for ten years.

UNHCR has previously suggested that any re-entry ban be the subject of an individual examination and be discretionary.

UNHCR has been advised that the rules will not apply where excluding someone from the UK would breach the Human Rights Act 1998 based on their right to respect for family life. The UKBA also has the discretion to depart from the rules in exceptional or compassionate circumstances. However, it remains to be seen how widely this discretion will be exercised, and what impact it may have on the right to family reunion for children (particularly children who have been trafficked).

Return

Bulgaria: Bulgaria does not have any return policy for the finally rejected asylum seekers.

Croatia: According to Article 75 of the Law on Foreigners "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".

France: On October 4 2002, an agreement was signed between France and Romania in view of providing protection to Romanian minors faced with difficulties on the French territory through helping them return to their country and by fighting exploitation.

It has expired and a new one, not yet ratified, has been drafted without a true assessment of what became of these previously returned children. This new agreement is worrisome as it plans that the prosecutor be able to open the repatriation procedure of Romanian separated minors without prior consent from the Juge des enfants after only a brief social investigation (48h).

Upon a child's coming of age the question of regularization is posed. The separated minor therefore has several options: obtaining French nationality, asylum status or 'titre de séjour', or return voluntarily to his country of origin (existing since the interdepartmental bill DPM/AC13/2006/522 of December 7 2006) without any of which he would face expulsion.

Hungary: Children voluntarily returning to their country of origin usually take part in IOM's assisted return programme.

Ireland: A 19 years old young woman (who arrived as a separated child) was sent back to Nigeria.

www.tribune.ie/article.tvt?_scope=TribuneFTF&id=107900&SUBCAT=&SUBCATNAME=&DT=02/12/2007%2000:00:00&keywords=week&FC=

The Netherlands: The Repatriation and Departure Service (DT&V) will guide the return of separated children more closely as soon as they are told to leave the Netherlands, according to a letter by Dutch Justice State Secretary Nebahat Albayrak. The letter was submitted to the Lower House of Parliament in response to a motion tabled by Hans Spekman. The closer guidance of the return is to prevent separated children from disappearing when they turn eighteen.

The separated child will be linked to a coordinator from the DT&V, to whom he can also go for questions or problems. The coordinator and the foreign national will jointly draw up a plan for his voluntary return.

In addition to closer guidance, the State Secretary indicates that the Government has also introduced measures that may lead to admission, especially for vulnerable groups of individuals. She recently informed the Lower House on measures to protect victims of human trafficking. This will also have implications for separated children and former separated children.

Rejected separated children who had to return to their country but were unable to do so through no fault of their own will be eligible for residence permits. Some nine hundred of the group of rejected former separated children are part of the Dutch general amnesty scheme.

Poland: Both asylum and aliens legislation contain special provisions regarding deportation of unaccompanied minors. According to Art. 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: In 2008, 11 minors were returned to their country of origin.

Switzerland: ISS Switzerland has been indirectly involved in a situation concerning a 10 year old boy and an 11 year old girl from Angola. They arrived in Switzerland around five years ago accompanied by an Angolan woman who pretended to be their mother. Around two years ago, the competent child protection authorities needed to intervene as this woman was not able to take care of the children any more. The children needed to be placed in a specialised institution for children. Parallel to this

placement, the woman admitted that she is not the mother of the two children but rather their aunt. As a matter of fact, the two children are cousins and their mothers are still in Angola.

As the asylum request of the children has been rejected, the procedure of return and reintegration started. IOM managed to localize their mothers in Angola but for a quite a while, it was difficult to install a regular adequate contact between children and their mothers by telephone or letters.

Around six months ago, the guardian agreed that the children shall return to their country of origin whereas the professionals in the child institution pointed out quite a few aspects showing that much more preparation work has to be done before one can talk about a return and reintegration in the best interests of the children.

In the meantime, the guardian, IOM and the professionals of the child institution have exchanged much more and their collaboration improved at least a bit. Still there are plenty of open questions and one will see whether the children can really return in around one month. It is planned that one person from IOM will accompany the children. ISS Switzerland has a lot of confidence in IOM Switzerland and IOM Angola that this return and reintegration will take place in a very professional and sensitive way and that the children and their mothers will be supported and assisted for a maximum of time.

This situation confirms once more the complexity of a preparation-return-reintegration process of separated children at that age as well as the importance of the role of a guardian. If this person is not a specialised professional with at least a bit of experience in this field, it is very difficult that all the persons involved in such a process pull together.

UK: The UKBA policy instruction on Discretionary Leave states that on refusal of asylum, or Humanitarian Protection, or Discretionary Leave for other relevant considerations (the latter two falling within the category: 'Subsidiary Protection'), unaccompanied asylum seeking children 'will qualify for Discretionary Leave if there are inadequate reception arrangements available in their own country'.

The 'Child Asylum Instruction' gives further guidance to caseworkers. It is stated in section 11 of that document that the returns programme for Unaccompanied and Asylum Seeking Children ('UASC') who have been refused asylum and Subsidiary Protection is currently being developed and that separate instructions will be issued in due course.

The new interim guidance on the granting of discretionary leave to unaccompanied children was issued on 26 March 2008 and following a freedom

of information request from the Refugee and Asylum Seeking Children's project (the RASC) the UKBA has declined to release the guidance – it is relevant to those representing children before the UKBA, the AIT and the courts, that it exists.

It appears that the Home Office is seeking to rely on *HN (A minor - Article 8) Vietnam* [2003] UKIAT 00059 to justify making no enquiries but still asserting that adequate arrangements have been made for safety and care on return.

www.ait.gov.uk/Public/Upload/j1420/2003_ukiat_00059_hn_vietnam.doc

Cessation:

The Home Office are seeking to implement a policy change with regard to cessation for minors and not to consult the UNHCR on individual cases (as has been the practice to date), in line with *LQ: (Age: immutable characteristics) Afghanistan* [2008] UKAIT 00005 (15 March 2007). If the change in policy is implemented the Home Office would be able to invoke cessation procedures by way of Article 1C(5) of the 1951 Convention relating to the Status of Refugees when a child turns 18 by asserting that by turning 18 there has been a 'change in circumstances'.

Trafficking

Austria: An OSCE conference on child trafficking was held in Vienna, 26-27 May 2008. The 8th Alliance Against Trafficking in Persons Conference focused on lessons learned and experiences when combating child trafficking in major capitals. It included presentations by local authorities, international organizations and NGOs showing concrete examples of programmes, policy responses in the area of outreach, victim identification and protection, durable solutions and bilateral undertakings, followed by discussions and recommendations on the best interests of trafficked children.

Two multi-stakeholder trainings (December 2007, January 2008) on child trafficking were held by ECPAT Austria together with the Youth Welfare, the police and others.

Croatia: 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.

Croatia is primarily a transit country, and increasingly a source and destination country, for women and children trafficked from Romania, Bulgaria, Serbia, Bosnia and Herzegovina, and other

parts of Eastern Europe for the purpose of sexual exploitation. Victims transiting Croatia are trafficked into Western Europe for commercial sexual exploitation, given Croatia's borders with three EU countries. In 2007, 15 trafficking victims were identified in Croatia. Among those 15 trafficking victims, there were 9 citizens of Croatia, 3 citizens of Serbia, 2 citizens of Bosnia-Herzegovina, and 1 citizen of Moldova. In terms of gender, they included 2 males and 3 females, including 1 child. Law enforcement officers i.e. police from various counties in the country filed criminal charges against a number of perpetrators who engaged in trafficking of women and men (men were trafficked for forced labor). (See also under 'Changes and Developments in Law, Policies and Practice')

France: There seems to be few legal pursuits against minor trafficking networks.

Ireland: An Anti-Human Trafficking Unit has been set up in the Department of Justice, Equality and Law Reform:

www.justice.ie/en/JELR/Pages/Appointment%20of%20Executive%20Director%20of%20new%20Anti%20Human%20Trafficking%20Unit

Meeting of the first National Roundtable – involving statutory agencies, international and non-governmental organizations was held 14th March 2008.

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.

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 has published in June 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

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. The IRC advocates for the following:

- The Bill should protect any person who is not an Irish citizen, including EU nationals.
- Collaboration with relevant support organizations such as key non-governmental service providers in the identification process.
- A longer reflection and recovery period of 6 months, irrespective of whether a suspected victim is able and willing to co-operate with the authorities.
- All suspected trafficked persons should be allowed to apply for long-term residency on humanitarian grounds.
- Add specific protection measures for suspected child victims of trafficking in the Bill.

IRC Submission to the Department of Justice, Equality and Law Reform on the drafting of a National Action Plan to Combat Trafficking in Human Beings, December 2007. (See also the Submission of the Law Society of Ireland or of the IHRC). For a copy please contact the Irish Refugee Council.

Current research:

- NUI Galway carrying out Irish study on child trafficking as part of EU/Fundamental Rights Agency research study. For more details, contact: Orla Crowe, orla_crowe@hotmail.com

- Trinity college carrying out research on trafficking for labour exploitation

For more details, contact: Gillian Wylie, wylieg@tcd.ie

- Immigrant Council of Ireland carrying out research on trafficking for sexual exploitation and the scale for the sex industry in Ireland

For more details, contact: Nusha Yonkova, Nusha@immigrantcouncil.ie

The Netherlands: The State Secretary of Justice wants better protection for victims of human trafficking. Before February 2008 victims of human trafficking had to report this crime to the police if they wished to become eligible for lawful residence in the Netherlands, the so-called B-9 arrangement. They got temporary residence permits in exchange for their cooperation pending the criminal investigation.

The B-9 arrangement has been expanded. Unaccompanied minor victims of trafficking who do not want to report but who collaborate in a different way to the criminal procedure can fall within the scope of the B-9 arrangement.

The State Secretary of Justice also announced that she will assess cases where persons have resided legally in the Netherlands under the B-9 arrangements for three years to see if victims can be granted individual residence permits - even if the trafficker has not been sentenced by a court. Her decision is in line with a recommendation made by the Dutch Independent Parliamentary Rapporteur on Trafficking in Human Beings.

Norway: The national coordination unit for victims of trafficking (KOM) launched its identification of victims-tool in May this year. The identification tool has been developed by the government, in close cooperation with different NGO's. The new tool for identification is expected to be of great help to practitioners that meet children at risk in their work.

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 what is “trafficking of human beings”. 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 involved in the issue, such as the Police, the La Strada Foundation or Nobody's Children Foundation.

UK: In January 2008 the Home Secretary, the Rt Hon. Jacqui Smith MP announced her intention to ratify the Council of Europe Convention against Trafficking in Human Beings by the end of 2008. By ratifying the Convention the UK agrees to be more proactive in identifying victims of trafficking which will impact upon the way this is handled with regards to Unaccompanied Asylum Seeking Children claims.

Further, responding on behalf of the UK Government, Lord Bassam of Brighton highlighted ‘our commitment to ratify the Council of Europe Convention against Trafficking in Human Beings by the end of 2008 which will formalise our existing arrangements and enhance our measures to protect and support these vulnerable victims’. He also

expressed his support for the United Nations Global Initiative to fight Human Trafficking.

For more information please see:

www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80604w0003.htm#08060483000024

The Scottish Government has published guidance to assist agencies in supporting children who have been trafficked. This is out for consultation until 3 July 2008. On 30 March 2008 MSPs debated the European Convention on Action Against Trafficking. Several of Save the Children's issues were raised during the debate. Save the Children's briefing is available at:

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-08/sor0320-02.htm#Col7289

Save the Children and End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) held a number of seminars on safeguarding children who have been trafficked for Child Protection Committees and this has been followed by Save the Children providing training to Scottish EAL (English as an Additional Language) teachers and Scottish Children's Panel members.

ECPAT is piloting an e-learning tool on child trafficking to be used with social workers and other professionals.

Government Questions:

On 18 June 2008 Home Office Minister Vernon Coaker MP responded to a Parliamentary Question about the Government's strategy to prevent child trafficking. In relation to source countries, the Minister stated that; 'as part of our overseas programmes in developing countries we are working with our partners to raise awareness of the factors that make children vulnerable to trafficking and reducing the risk of children being trafficked'.

In addition, Stephen Hesford MP on 11 June 2008 tabled an Early Day Motion (EDM 1755) calling on Parliament to 'unconditionally recognise the unacceptability and horror of human trafficking, particularly of vulnerable females and children'.

For further information please see:

edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=36055&SESSION=891

Children and Youth Participation

Belgium: Platform Minors in exile has published "Practical information for unaccompanied foreign children in Belgium". A brochure translated into 6 languages (English, French, Dutch, Swahili, Russian, Arabic) containing 14 information sheets :

1. What part does your guardian play?
2. What part does your lawyer play?

3. Where do you live after you have arrived in Belgium?
4. What if you are stopped at the border without identity documents?
5. Asylum in Belgium.
6. If you are not an asylum seeker, how can you obtain permission to stay in Belgium?
7. Education in the French Community.
8. Education in the Flemish Community.
9. What does the CPAS do?
10. If you fall ill, who will pay for medical care and medicine?
11. How can you get in touch again with your family?
12. What should you do if you wish to return to your country?
13. You were a foreign unaccompanied minor and have just turned 18. What will happen?
14. OE, FEDASIL, CGRA, etc. What do they all mean?

Finland: Two separated children from Finland joined the group of young people in the SCEP participation project and the workshop in Amsterdam June 13-15.

France: The DE had two former separated minors intervene during its seminar on June 20 2008 so as to bear witness of their step by step experiences upon their arrival and stay in France.

Germany: Supported by 'Aktion Mensch' the Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. (Federal Association for Unaccompanied Minor Refugees) started a new three year project in February 2008 to establish and promote networking and participation of young refugees in Germany.

The Project's objective is to motivate and support youngsters in taking actively part in the discussion on rights of young refugees and therefore to train them in different fields such as media and press work, children's rights etc.

Currently the Federal Association is collaborating with 'Jugendliche ohne Grenzen' (JoG), an initiative of young refugees in Germany, and backing their preparations of the JoG conference to be held 19-21 November 2008 in Potsdam parallel to the semi-annual meeting of the conference of the Ministers of the Interior, where often wide ranging decisions on asylum related matters are taken.

More information on the project in German at: www.b-umf.de/projekt-partizipation.html.

Hungary: On May 28th the General Ombudsman's Office launched a new inter-active website about child rights. Explanations about each right are made in a simple, child-friendly way and there is space to ask questions or add comments about the rights.

Children are welcome to speak about the rights too, not just to create a logo for the website.
www.gyermekjogok.obh.hu/

Ireland: SCEP/EU Daphne project: two youths from Somali Youth of Tomorrow participated.

There are plans for asylum-seeking children to participate in a study entitled “The experiences of migrant youth in Ireland: A joint research project by Integrating Ireland and Trinity College Dublin”.

The Netherlands: SAMAH (a national organisation for the protection of the interests of juvenile asylum seekers) has been working on a leaflet. Separated children in detention are asked in the leaflet to share their experiences in prison with SAMAH. The stories, pictures, poems and other creative expressions are used to ask politicians to stop locking up innocent juveniles.

Norway: On assignment of the Directorate of Immigration (UDI), the Institute for Social Research has carried out an assessment of the immigration authorities’ implementation of article 12. The study includes the authorities of first instance; the UDI, the police, as well as a selection of Norwegian Foreign Service-missions in the countries of origin of relevant immigrant groups.

The project has a broad scope and includes case procedures both in the field of asylum and residence (the latter consisting of applications for family reunification, visa, travel documents and citizenship, as well as deportation and abuse-cases). The study offers a comparative look at the Swedish practice as well as other professions’ experiences with hearing children.

The report concludes that in its true sense, the right to participation is still far from fulfilled. The researchers recommend the incorporation of the principle into the forthcoming Immigration Act, and propose an unambiguous provision of children’s participatory rights in all procedures, adjusted to the different case procedures.

UK: Children in Scotland also responded to the government review of the reservation to the UNCRC on asylum and immigration, by emailing the Children’s Champion and setting up a blog and producing a short information DVD.

Miscellaneous

Bulgaria: The Bulgarian Helsinki Committee took part in the one of a series of trainings of the Border and Migration police organised by the UNHCR.

Denmark: Save the Children Denmark has begun a study of separated children, both UN quota refugee

children and separated children who have come to Denmark as asylum seekers. The study focuses on how the children manage after being placed in the municipalities; what are the significant barriers for their integration; and which measures could eradicate these barriers. The study aims at being able to carry out actual initiatives, and it is expected to be completed in the beginning of September.

France: Schooling and professional training: Separated children, like all children, have a right to be provided with schooling during their stay in France. However school is no longer mandatory at the age of 16 which often causes difficulties for separated minors arriving from 16 and 18 to find a class to integrate. There are certain academic integration options but these are not always made known to the minor due to the few months separating him from his coming of age. There is also the problem that to place a child in an apprenticeship he needs a work permit. They can get this automatically if they have been with the ASE for two years minimum before their coming of age but if they arrive afterwards it can only be obtained by merit and therefore remains uncertain.

Project for the child’s future:

Some separated minors will build a project that will allow them to return to their country of origin but many don’t have this option and therefore need a specialized education to build a project of integration in France.

The “jeune-majeur” contract (young adult) allows children to build this project and to be protected until they become fully autonomous: regularization, pursuing professional training whether they stay in France or go back to their country. However there are many disparities between departments when it comes to obtaining this contract.

Ireland: Report of the Irish Human Rights Commission on Ireland’s compliance with the International Covenant on Civil and Political Rights: This report raises issues around age assessment, standards of care, identifications and prevention of trafficking.
www.ihrcc.ie/_fileupload/publications/ICCPRIHRCThirdPeriodicReport.doc

Romania: Save the Children Romania coordinates a one-year project “Child protection special measures: facts and perspectives”. This project started in January 2008 and it aims to monitor the way how special measures of protection concerning refugee and separated children, trafficked children, sexually exploited and detained children are applied.

Slovakia: An ERF II project focusing on vulnerable groups of refugees in all refugee camps in the territory of the Slovak Republic has been implemented during the years 2006 and January–November 2007. This project has been prolonged till December 2008.

Spain: The last report of the United Nations on the situation of the infancy in Morocco codes in approximately 2,000 minors who wait in Tangier to cross the strait as irregular immigrants. Some of them are known as street children who want to reach Europe (through Spain) and they travel under the trucks or as stowaways in the ships, facing serious dangers. Many of them have thus died trying to cross the Spanish border.

Events

26–27 November 2007, Warsaw, Poland
4th National Conference ‘Helping Child Victims of Crime’

Co-organised by Nobody’s Children Foundation, the Ministry of Justice, and the Office of the Capital City of Warsaw

The conference focused on helping children who have experienced various forms of violence and abuse, as well as protecting children who participate in legal procedures. It was held in Warsaw, under the honorary patronage of the Minister of Justice and the President of the Capital City of Warsaw.

December 2007, Luxembourg
Fashion show for Christmas
Organised by Caritas together with the participants from Caritas’ sewing workshop.

Festival des migrations in Luxemburg City.
Organised by CLAE.
Several associations from different countries were represented.

28 – 29 January 2008, Madrid, Spain
Congreso Internacional sobre “Trata de niños y niñas: cómo promover la identificación y la protección de las víctimas” (Child trafficking: how to improve victims identification and protection, International Congress).
Organized by Save the Children, the Spanish Ministry of Labour and Social Affairs and the Spanish Co-operation Agency (AECI).

10-16 February 2008, Budapest, Hungary
Raising the Voices of Young Refugees: One Step Forward to Organize Ourselves
Seminar co-organised by the Greek Council for Refugees, Community Development Center (Montenegro), Hi-Neighbour (Serbia) and the

Lithuanian Red Cross Society, with the support of the European Youth Foundation and UNHCR.

12 March 2008, Croatia
Identification of victims of trafficking among asylum seekers.
Seminar organised by UNHCR and the Croatian Red Cross in Kutina Reception Centre for Asylum Seekers where UNHCR’s mandate and role in relation to the theme of the seminar were presented.

17 – 21 March 2008, Bucharest, Romania
A school campaign around the International Day Against Racism.
Organized by Save the Children Romania
The school campaign took place in 13 schools and high schools in Bucharest. During the campaign period 30 volunteers spoke with approximately 1,000 children about refugee and separated children’s rights and about the risks of racism.

26–27 March 2008, Poland
Internal emigration within EU - a challenge for the children, families and societies.
Conference organised by the Ombudsman for Children’s Rights.
The conference was dedicated to the issue of the so-called “euro-orphans”, i.e. children left alone after their parents went abroad in search of work. This social phenomenon is becoming quite visible in Poland and it is becoming a subject of public discussion.

3 April 2008, Belfast
Meeting the Needs of Unaccompanied Asylum Seeking Children in Northern Ireland
Organised by the Law Center (NI), Training.

4 April 2008, Brussels, Belgium
Protecting Undocumented Children - Workshop on the Protection of Undocumented children in their access to basic social rights
Organised by PICUM

7 - 9 April 2008, Germany
Spring conference
Organised by Bundesfachverband Unbegleitete Minderjährige Flüchtlinge.
Different aspects of the support for separated children were main target of the conference, including the support of children involved in armed conflicts, the situation at the European border, the legal grounds, possibilities and models for participation of adolescent asylum seekers and refugees. Besides the aim to raise awareness on the political level, the training of professionals was an important aim of this annual conference.

9 April 2008, Dublin, Ireland
Ireland and the Council of Europe Convention on Action against Trafficking in Human Beings: Protecting Victims
Roundtable Discussion organised by The Immigrant Council of Ireland (ICI) and the Irish Human Rights Commission (IHRC)

9 - 11 April 2008, Cork, Ireland.
Children and Migration: identities, mobilities and belonging(s)
Conference organised by University College Cork

18 April 2008, Santa Cruz de Tenerife (Canary Islands), Spain
“La protección jurídica y social de los Menores Extranjeros no Acompañados” (The juridical and social protection of Separated Children, Seminar)
Organized by Save the Children and UNHCR with the support of the Spanish Ministry of Labour and Social Affairs.

19 & 24 April, Ljubljana, Slovenia
Workshop on the situation of separated children in Slovenia
Organised by Seccran

5 May 2008, Gutman Conference Center, Harvard, Cambridge, MA
Children without a State: A Human Rights Challenge: Birth Registration and Irregular Migration
Conference organised by the Harvard University Committee on Human Rights Studies.

8 - 11 May 2008, Busteni, Romania
Seminar “Get involved! Help a foreigner!”
Organised by the Romanian National Council for Refugees, CNRR, for volunteers under a project financed by the Dutch Embassy.

26-27 May 2008, Vienna, Austria
The 8th Alliance Against Trafficking in Persons Conference.
Organised by OSCE.

28 May 2008, Dublin, Ireland
Best Practice in Provision of Services to Asylum Seekers
Organised by the Sonas Mainstreaming Group, Dublin 2

June 2008, Graz, Austria
A meeting of most of the organisations working with separated children took place. Information about subsidiary protection in the EU and National law was given. Discussions about the situation in the different provinces of Austria took place.

14 June 2008, Sligo, Ireland
Human Trafficking and the Sex Industry
Organized by the Labour Party

16 June, Ljubljana, Slovenia
Round table “Protection of separated children”
Organised by Seccran

16 – 20 June, Slovenia
Refugee week was held in Slovenia.
Slovene Philanthropy organised round tables, workshops and concerts around in Slovenia.

16 - 22 June 2008, UK
Refugee Week is a UK wide programme of events which celebrates the contribution of refugees to the UK. During Refugee Week hundreds of events exploring refugee experiences took place across the UK. These ranged from small community and school activities to art exhibitions, political debates, film screenings, conferences, big music festivals, sports events etc.
For further information please see:
www.refugeeweek.org.uk

As part of Refugee Week in the UK, on 17 June 2008 UNHCR London turned Trafalgar Square into a mock refugee camp for a day, setting up four lightweight family tents, interactive games, a torched village hut and exhibits of relief items, including blankets, kitchen sets, plastic sheeting, soap, buckets and clean, safe and environmentally friendly stoves as well as UNHCR vehicles. Within one of the tents original pictures drawn by Sudanese refugee children were displayed. The exhibit, dubbed ‘Experience Darfur’, opened early morning and soon attracted big crowds. Some 800 people signed up in the morning to receive more information about the hundreds of thousands of uprooted Sudanese people in Darfur and in camps run by the UN refugee agency in neighbouring Chad.
www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=4858aaca8

20 June 2008, Luxembourg
Journée mondiale du Réfugié
Caritas organised another fashion show and also a theatre performance.

30 June - 1 July 2008, Berlin, Germany
70 Years after Evian: Human Rights and Protection of Refugees:
Organized by the Center for Research on Antisemitism in Berlin, Pro Asyl and the Panel for Human Rights and Humanitarian Relief of the German Bundestag.
While the European border is turning into an insuperable fortress, the main focus of the

conference was laid on the right of protection of refugees. The fact that the European practise systematically cuts off all attempts of crossing the border in the forefront, was the main focus.

A second spot was laid on the rights and conditions for unaccompanied minors. Although the Evian-Conference in 1938, which took place in France to rescue Jews from persecution under the Nazi-regime in Germany, ended up with the disappointing decision of all of the participating 32 countries to not open their borders for Jews from Germany, it was later on possible to rescue about 30.000 children who found asylum in Great Britain. Two contemporary witnesses and two former unaccompanied minors talked about their experiences and the needs of children. Additionally there was a workshop on protection needs and standards in the past and presence.

www.proasyl.de/fileadmin/proasyl/fm_redakteure/INFORMATIONEN/Tagungen/festung_europa.pdf (schedule in German)

3 July 2008, Paris, France

UNICEF France held a Press Conference calling for a truly protective status for separated minors in France and also in Europe (July 2008 EU French presidency) which was signed by a number of personalities and NGOs.

24 October 2008, Copenhagen, Denmark

Conference to celebrate the UN Day. Working Title: Conventions under Pressure

Danish UN Association, Amnesty International - Denmark, the Danish Refugee Council and Save the Children Denmark are working together to organise 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.

30 October 2008, Oslo, Norway

Open SCEP seminar

Hosted by Save the Children Norway.

The topic will be fulfilment of the rights of separated children, focusing on legal and regulatory differences, as well as differences in practice throughout Europe.

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 (you will also be able to

find the website at the following addresses: www.illegaalkind.nl and www.illegalchild.org.

December 2008, Oslo, Norway

Nordic Seminar on Trafficking

Hosted by Save the Children Norway as a part of the Norwegian Action Plan Combating Trafficking (children and women).

Publications

Abenteuer Europa oder die Suche nach dem besseren Leben; Minderjährige allein unterwegs. Daniela Duff. Books on Demand GmbH, Norderstedt, March 2008 (ISBN 978-3-8334-8616-6).

The author is a Swiss social worker and a very experienced professional in the work with Separated Children

Free translation of the title: Adventure Europe or The Search of a better life: Minors alone on the way. More details can be found at

www.danieladuff.ch.

Alternative report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. ECPAT (Ed.), April 2008.

Available in English and German at: www.ecpat.at
www.ecpat.at/fileadmin/download/Austrian_Alternative_Report_OPSC_English.pdf

Better Outcomes: the Way Forward Improving the Care of Unaccompanied Asylum Seeking Children. January 2008

A series of new measures relating to children under immigration control were launched by Immigration Minister Liam Byrne MP in January 2008. The Minister provided reassurance that; 'proposals around reform [will be] developed in accordance with the Council of Europe Convention on Action Against Trafficking in Human Beings'.

www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/uasc/betteroutcomes.pdf?view=Binary

Child Exploitation and Online Protection Centre, Annual Review 2007-08

This report was published on 21 April 2008 and can be found at:

www.ceop.gov.uk/downloads/documents/ceopannualreview2008.pdf

Défenseure des enfants' 2007 report

(Relevant pages 54 to 58)

www.defenseurdesenfants.fr/pdf/RappAct2007.pdf

Development of a child rights methodology to identify and support child victims of trafficking. Final report. Save the Children Italy ONLUS in partnership with Partners Bulgaria Foundation, Caritas and Save the Children Romania.

Europeans and their rights - Child rights in Europe. Géraldine Van Bueren. Council of Europe, 2008. 200 p. ISBN 978-92-871-6269-4

This volume analyses the effectiveness of the judicial protection of children's rights within one regional organisation, the Council of Europe. The issue of children's protection is of increasing importance in Europe and the courts have therefore become one of the means for transforming social values and influencing traditional conduct towards children. The extent to which common standards have been developed by the courts in implementing children's rights is examined both from the perspective of the European Court of Human Rights and the judgments of the highest national courts within the Member States of the Council of Europe. Further analysis is made of the Council of Europe's Social Charter and the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

<http://book.coe.int>

Evaluation of the protection of unaccompanied children victims of trafficking and smuggling in Belgium.

The results of this study will be published in September or October 2008.

Fit for Purpose Yet? : The Interim Asylum Commission's Interim Findings. 27 March 2008.

The Independent Asylum Commission's nationwide review of the UK asylum system in association with the Citizen Organising Foundation published on 27 March 2008 can be found at:

www.independentasylumcommission.org.uk/files/Fit%20for%20Purpose%20Yet.pdf

The frail chain : support for child victims of trafficking in the Baltic Sea Region. Svante Weyler. Council of the Baltic Sea States, 2008. 46 p.

Handbook on the rights and obligations of recognised refugees and humanitarian status holders in Bulgaria. Marinela Radeva and Jasmina Donkova, UNHCR Representation in Bulgaria, June 2008.

How has it become? Separated children – reception since the municipalities have taken over the responsibility for housing and care. Agneta Gunnarsson & Barbro Alm. Save the Children Sweden

The report follows up on the change of responsibility for receiving separated children from the Migration Board to the municipalities in July 2006.

Like any other child? Children and Families in the Asylum Process. John Reacroft, 7 January 2008

Barnardo's has released this report that can be found at:

www.barnardos.org.uk/like_any_other_child_asylum_report08_full.pdf

Living on the edge of despair: destitution amongst asylum seeking and refugee children. The Children's Society, Child Destitution Report Summary, February 2008.

A new report from the Children's Society has warned that increasing numbers of asylum seeking and refugee children in the UK are growing up in poverty and that support for refused asylum seekers is inadequate. Download the report at the following link:

www.childrenssociety.org.uk/resources/documents/Research/Living_on_the_edge_of_despair_destitution_amongst_asylum_seeking_and_refugee_children_6115_full.pdf

New procedure – old faults? Lars Olsson. Save the Children Sweden. 2008.

A report concerning children's own reasons for seeking asylum. The report is a study of case files, and looks at whether children are able to put their views forward in the Swedish asylum process and whether their own reasons for asylum are reflected in the decisions. The report was presented at a seminar on the 15th of January 2008.

No one to turn to – the under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers. 27 May 2008

A new report released on Tuesday 27 May 2008 by Save the Children UK shows that children living in conflict-affected countries fear to report sexual exploitation and abuse by UN peacekeeping troops and humanitarian aid workers.

Despite recent political commitments by governments and international organisations to tackle this problem, the report exposes the chronic under-reporting of such abuse, which leaves many children around the world suffering in silence. The full report can be found at:

www.savethechildren.org.uk/en/docs/No_One_to_Turn_To.pdf

A summary of report can be found at:

www.barnardos.org.uk/like_any_other_child_asylum_report08_summary.pdf

OFPRA's 2007 report

www.ofpra.gouv.fr/documents/Rapport_OFPRA_2007_BD.pdf

Opening Doors, Evaluation of the Dun Laoghaire Refugee Project's Drop in Center for Young People Seeking Asylum and those with Residency. Dervla King. January 2008.

www.drp.ie/OPENINGDOORS%5b1%5d.pdf

Opinions of police officers and boarder guards on the problem of child trafficking and the situation of unaccompanied foreign children in Poland – a research report. Nobody's Children Foundation. 2007

Report on the situation of foreign children in Polish residential care institutions and foster families. Nobody's Children Foundation. 2007.

The report analyzes data collected in collaboration with the Ministry of Labour and Social Policy.

'Saving Sanctuary'. The Independent Asylum Commission's first report of conclusions and recommendations:

The Independent Asylum Commission has published its first report of conclusions and recommendations: 'Saving Sanctuary'. This report can be found at:

www.independentasylumcommission.org.uk/files/Saving%20Sanctuary.pdf

Trafficking in human beings : fifth report of the Dutch National Rapporteur. 2007. 258 p.

Unaccompanied foreign children – administrative, legal and social situation : practical guide.

This practical guide of 780 pages contain all information concerning separated children in Belgium: the role of the guardian, the reception system, the procedures to stay in Belgium, the access to social and health care.

This most comprehensive guide is intended for professionals working with children in the field of migration. It has been distributed for free to around 700 persons or services.

UNHCR Guidelines on Determining the Best Interests of the Child. May 2008

The principle of the best interests of the child has been the subject of extensive consideration. Legal documents relating to the protection of children, including those adopted by UNHCR's Executive Committee on children of concern, frequently refer to it. How to apply this principle in practice remains challenging and there is limited guidance on its application. The Guidelines describe a formal

mechanism to determine the best interests of the child.

These Guidelines in their final version have been produced following two years of field testing the provisionally released version of May 2006 and can be found at:

www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=48480c342

Å høre barn i utlendingsaker. Lidén, Rusten, Aarset. ISF rapport 2008:002.

On assignment of the Directorate of Immigration (UDI), the Institute for Social Research makes an assessment of the immigration authorities' implementation of article 12. The report concludes that in its true sense, the right to participation is still far from fulfilled. The report is in Norwegian, but see this webpage for extensive English summary:

www.samfunnsforskning.no/page/Publications/English_Publications_reports/7982/36083-8255.html

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

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.

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.

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

Bulgarian Helsinki Committee - Refugees and Migrants Legal Protection Programme
Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. (Federal Association for Unaccompanied Minor Refugees)
CARITAS, Luxembourg - Service Solidarité et Intégration/Passe-partout
Défense des enfants international (DEI-France) as coordinator of the French SCEP work group

associated with the following: Association Nationale d'assistance aux frontières pour les étrangers (Anafé), France Terre d'Asile (FTDA), Groupe d'information et de soutien des immigrés (GISTI), and Enfants du monde – Droits de l'homme (EMDH).

Defense for Children International – the Netherlands

Don Bosco Refugee Association Austria for Asylkoordination Österreich

Estonian Union for Child Welfare

General Directorate for Social Assistance and Child Protection Maramures, Romania

Irish Refugee Council

Menedék, Hungary

Nobody's Children Foundation

Platform Minors in exile, DCI Belgium and Service droit des Jeunes

Refugee Council, United Kingdom

Romanian National Council for Refugees

Save the Children Brussels Office

Save the Children Denmark

Save the Children Norway

Save the Children Romania

Save the Children Spain

Save the Children Sweden

Save the Children UK

Slovak Humanitarian Council

Slovene Philanthropy

Swiss Foundation of the International Social Service

The Central Union for Child Welfare, Finland

UNHCR Croatia

UNHCR Germany

UNHCR Ireland

UNHCR Representation in Bulgaria

UNHCR Poland

UNHCR Liaison fr Switzerland and Liechtenstein

UNHCR United Kingdom

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Statistics on arrivals of separated children seeking asylum in Europe by June 2008

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

Receiving country	Number		Age 15-17		Males	Females	Main countries of origin	Source
	2007	2008	2007	2008				
Austria	582 (A)	289 (A) by 31.5.2008	532 ¹ (14- 18)	251 ² (14-18) by 31.5.2008	N/A	N/A	2007: Afghanistan (100) Moldova (66) Somalia (49) Russian Federation (43) 2008 (by 31.5.2008): Afghanistan (77) Somalia (31) Nigeria (24)	Federal Ministry of Interior
Belgium	406	192	331	178	2007: 282 2008: 152	2007: 124 2008: 40	2007: Afghanistan (89) D.R. Congo (36) Guinea (54) Iraq (26) Rwanda (15) 2008: Afghanistan (65) D.R. Congo (12) Guinea (32) Iraq (6) Rwanda (4)	Service des Tutelles SPF Justice
Bulgaria	23	6 by 31.5.2008	22	6			Afghanistan Iraq Nigeria Pakistan	State Agency for Refugees
Croatia	1		1		2007: 1		Iraq	Ministry of Interior
Denmark	93 (A) ³	74 (A) ⁴ (Jan.- Apr.)	83 (A) (89.2 %)	N/A	2007: 89 (95.7 %)	2007: 4 (4.3%)	Afghanistan Iraq	Danish Immigration Service
Estonia	0(A)	N/A						
Finland	98	92 ⁵ by 31.5.2008	About 50 % aged 17-18	75 ⁶ age 17- 18: 44 age 15- 16: 31	2007: 74 2008: 70	2007: 24 2008: 22	2007: Iraq (27) Somalia (24) Afghanistan (13) 2008: Somalia (30) Iraq (28) Afghanistan (10)	Finnish Immigration Service

¹ 2007: 532 is the number of asylum seekers recorded as separated children (older than 14 years). In 66 of these cases the asylum authority did not believe the age claimed by the asylum seekers and declared them as adults. As a consequence, the official number of separated children between 14 and 18 years of age is 466. 50 separated children are reported as being younger than 14 years at the time of applying for asylum.

² 2008: 262 is the number of asylum seekers recorded as separated children (older than 14 years). In 11 cases the authority responsible for the asylum procedure did not believe the age claimed by the asylum seekers and declared them as adults. As a consequence, the official number of separated children between 14 and 18 years of age is 251. Another 27 separated children were recorded as being younger than 14 years at the time of application for asylum.

³ Not including UN quota refugees

⁴ Not including UN quota refugees

⁵ The number of separated asylum seeking children in Finland is rising, if the situation continues like it has been the first half of the year, the number will be more than double compared to last year.

Receiving country	Number		Age 15-17		Males	Females	Main countries of origin	Source
	2007	2008	2007	2008				
France	⁷ 288 (A) ⁸	N/A	N/A	N/A	N/A	N/A	Guinea, Iraq, India, Lebanon, Palestine, Russia and Somalia	Police aux frontières (PAF), Office français de protection des réfugiés et apatrides (OFPRA)
	⁹ 822 (A)	400 ¹⁰ by 31.5.2008	(225 were under 13)	N/A	N/A	N/A	Algeria, Maroco, Tunisia, Turkey, Palestine, Somalia, Guinea and India	PAF, Minsitre de l'immigration
	¹¹ 459 (A) ¹²	N/A	N/A	N/A	2007: 290 (63%)	2007: 169 (37%) ¹³	DR Congo, Angola, Sri Lanka, Turkey, Russia	OFPRA (OFPRA's 2007 report)
Germany ¹⁴	180 in age group 0 to 15 (A) + approx. 700 aged 16-18 (E) ¹⁵	246 (age 0 to 18) (A) by 31.5.2008	104 aged 15 (A) + appr.. 700 at 16 -18 (E)	138 age 16 – 18 N/A those aged 15	2007: 121 (for those under age 16) (A) 2008: N/A	2007: 59 (for those under age 16) (A) 2008: N/A	2007: Iraq, Ethiopia, Eritrea, Guinea, Afghanistan, Lebanon, Pakistan, Russian Federation, Serbia and Sri Lanka (for those under age 16)	Federal Office for Migration and Refugees + own estimates

⁶ information on the age was gathered a little before end of May – in 5 cases the age is missing in this table.

⁷ The number of separated minors arriving at the border – not including arrivalsg at Roissy-Charles de Gaulle airport! - that ask to be admitted onto the territory as asylum seekers

⁸ Out of 288, only 166 requests have been deemed receivable. 44 of them have received a positive response and therefore have the right to enter the territory as asylum seekers.

It would have been interesting to add to these statistics the number of children returned directly at the border without even having been able ask for access to the territory as asylum seekers but this number is unknown.

⁹ The total number of separated minors arriving at the border at Roissy-Charles de Gaulle

¹⁰ We have noticed a clear increase in the numbers throughout 2007 and the first statistics available for 2008 show an explosion of separated minors arriving in France.

¹¹ The number of separated minors that have sought asylum from the Office français de protection des réfugiés et apatrides (OFPRA) on the territory (as opposed to at the border)

¹² We can't add the statistics of minors seeking asylum at the borders to those of minors already on the territory because some minors seeking asylum at the border ask for it again when they are admitted onto the territory, but some do not. Conversely, some minors are admitted without having asked for asylum at the border and ask for it on the territory.

¹³ The nationality changes when focusing on girls seeking asylum (majority of Russians)

¹⁴ 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.

¹⁵ The figures of 180 separated children for 2007 only includes minors up to the age of 15 who applied for asylum. Minors who applied for subsidiary protection with the local alien authorities are not counted. Minors between the age of 16 and 18 were not counted in 2007, but this changed for 2008 due to persistent lobby work. Since January 2008 all separated children who applied for asylum are counted.

For 2007 it is estimated that approx. 700 separated children between age 16 and 18 applied for asylum.

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin	Source
	2007	2008	2007	2008				
Hungary	46	111	45	111	2007: 42 2008: 102	2007: 4 2008: 9	2007: Serbia, Georgia Moldova, Russia 2008: Somalia, Pakistan, Kosovo, Serbia, Afghanistan	Office of Immigration and Nationality (OIN)
Ireland	339	123 by 31.5.2008	N/A	46	2008: 65	2008: 58	Only note countries with more than 10 cases 2007: Nigeria: 175 China: 19 Congo:19 Ghana:18 Somalia:17 2008: Nigeria:73	Health Service Executive
Luxembourg	4	1	4	1	2007: 4	2008:1	Nigeria Gambia Algeria Montenegro Serbia	Caritas
Netherlands	658 (age group 15-17?)	51 Jan. - Feb. (age group 15-17?)			N/A	N/A		website COA: Central Agency f. Reception of Asylum Seekers
Norway	400 (A)	211 (A) Jan-Mar.	75 %		2007: 81%	2007: 19%	Iraq Afghanistan,	Norwegian Directorate of Immigration (UDI)
Poland	220 ¹⁶						Russian Federation	UNHCR
Romania	22	16 (E)	22 (E)	16 (E) 13 (A)	2007: 21 (E) 2008: 13 (A) 16 (E)	2007: 1 (E) 2008: 0	2007: Iraq, Serbia, Somalia, Russian Federation 2008: India, Pakistan, DR Congo, Iraq, Somalia	Directorate for Asylum and Integration DGASPC MM, Save the Children, UNHCR
Slovakia	104	N/A	N/A	N/A	2007: 103	2007: 1	N/A	Migration Office of the Ministry of Interior

¹⁶ Unfortunately, official statistics available in Poland are rather scarce. Moreover, the Polish Office for Foreigners which is responsible for granting refugee status, does not provide any statistics differentiating persons seeking or being granted asylum in Poland with regard to their age. There is only data concerning total number of asylum seeking persons, 10,048 in 2007 and 1,247 Jan.-Feb. 2008.

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin	Source
	2007	2008	2007	2008				
Slovenia	32 (E)	2 (E)	29	2	2007: 29 2008: 2	2007: 3 2008: 0	Albania Kosovo Afghanistan Serbia	Slovene Philanthropy
Sweden	1,264	554 by May 26	845	442	2007: 1,005 2008: 439	2007: 259 2008: 115	Iraq Somalia Afghanistan	Migration Board
Switzerland	219	N/A	90.8%	N/A	2007: 83.6%	2007: 16.4%	Eritrea: 24 (10.9%) Afghanistan: 23 (10.5%) Iraq: 20 (9.1%) Guinea: 15 (6.8%) Ivory Coast: 14 (6.4) Nigeria: 12 (5.5%) Somalia: 11 (5%) Sri Lanka: 11 (5%)	Federal Office for Migration www.bfm.admin.ch
UK	2,989	1,263	2,273	935	2007: 2,428 2008: 1,086	2007: 539 2008: 166	Afghanistan Iraq Iran Somalia Eritrea	Refugee Council Children's Panel Database
Total arrivals in 21 countries	2007: 9,559	2008: 3,631						

Statistics on trafficked minors in Europe by June 2008

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

Country	2007	2008 (Provis.)	Age group 15-17 years	Males	Females	Main countries of origin	Source for statistics
Belgium	4	5	2007: 4 2008: 5	2007: 2	2007: 2 2008: 5	2007: Cameroon (M) India (M) Morocco (F) Nigeria (F) 2008: Serbia (2) Morocco (2) DR Congo	Service des Tutelles SPF Justice
Croatia	1 ¹⁷	-		-	2007: 1 2008: -	Bosnia and Herzegovina	Government's Office for Human Rights

¹⁷ The victim was 12 year old, not seeking asylum

Austria: Main countries of origin are Bulgaria, Roma children, and girls from Nigeria and other West African countries.

There are some estimates from reports of NGOs about their own work:

- LEFÖ (Intervention centre for trafficked women) is reporting 18 persons below the age of 18 (trafficked women) that were cared for by the intervention centre in 2007.
- The “Drehscheibe” (an institution of the Youth Welfare in Vienna, which is taking care of unaccompanied foreign children) mentions 250 children from Bulgaria who needed to be accommodated repeatedly by the “Drehscheibe” over the last years.
- The Romani Union states, that there are no specific numbers or statistics to what extent Roma children are affected by the issues covered under the OPCS, but many Roma are affected by child trafficking.

The information is taken from the “Alternative Report on the implementation of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography”, issued in April 2008 by ECPAT Austria.

Denmark: The following cases involve children being presumed victims of trafficking in Denmark in 2008. The list cannot be considered exhaustive, since children under the age of 15 arrested for petty theft are not placed in secured youth centres under the auspices of the Social Services. The Danish Police will therefore normally simply release the child to the adult who shows up at the police station to claim the child.

Case 1 and 2 involves two 17 year old Romanian girls, who were arrested for petty theft and placed in a secured youth centre under Social Services.

Case 3 involves a 15 year old girl of African origin. During her stay at a secured youth centre, she told social workers that she had been sold as a house slave to Saudi Arabia at the age of 5. She disappeared shortly after being transferred to an open asylum centre for children.

Case 4 involves a 17-year-old girl who was liberated by police after having been exploited in prostitution in Aarhus, Denmark’s second biggest city. She had apparently been held against her will for a 4-month period and forced to earn money for her exploiters.

Case 5 also involves a girl of 17 who had been exploited in prostitution in Copenhagen. She has now been repatriated to her country of origin. The girl did not wish to use her right for a deflexion period in Denmark nor did she wish assistance from the NGO which met her upon her return to her home country.

Hungary: In 2007, 42 children were smuggled to Hungary (out of the total of 46 arrivals)

Poland: According to Polish Ministry of Justice:

Adults sentenced in courts of first resort for criminal offences in terms of human trafficking

2006: 44 persons (in one case victim of trafficking was under the age of 18)

January– June 2007: 19 persons (in no of these cases victim of trafficking was under the age of 18)

Adults sentenced with legal validity, based on indictment on the grounds of article 203 of penal code, concerning forcing to prostitution: 1 (victim under the age of 18)

Switzerland: According to UNICEF no precise data is available. It is assumed that child trafficking in Switzerland is of limited concern since only very few cases have been reported.

UK: No National statistics on trafficking are collated.

However, the results of the police operation dubbed 'Pentameter 2', which is aimed at disrupting those who engage in trafficking for sexual exploitation in the UK and rescuing victims who were trafficked to the UK for this purpose, were published on 2 July 2008. The results show that since the launch of this operation on 3 October 2007, 13 of the victims recovered by police were children with the youngest being 14 years old.