



Separated Children in Europe Programme

NEWSLETTER No. 29

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In this issue:

- p. 1 Programme update
- p. 2 UNHCR
- p. 3 European Union
- p. 3 Council of Europe
- p. 5 Committee on the Rights of the Child
- p. 6 Changes and developments in law, policies and practice
- p. 9 Detention
- p. 10 Age assessment
- p. 12 Guardianship
- p. 13 Reception
- p. 15 Missing children
- p. 16 Dublin II practice
- p. 16 Procedures and recognition
- p. 18 Family tracing and reunification
- p. 19 Return
- p. 21 Trafficking
- p. 23 Children and youth participation
- p. 24 Miscellaneous
- p. 26 Events
- p. 29 Publications
- p. 32 Useful web sites
- p. 33 Reporting organisations

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

Programme Update

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

An Advisory Board for the project has been established consisting of the project manager, Lise Bruun, three consultants and three young people who have arrived as separated children. The board had its first meeting in August.

Terry Smith has undertaken the role of researching the SCEP NGO Network's experience with youth participation, including a mapping of organizations of separated, unaccompanied and migrant children in different countries across Europe. The findings were presented to the SCEP NGO Network at a seminar that took place in Budapest from November 13-15 2007. The seminar also focused on children's participation through workshops and presentations of experiences by NGOs and youth. Plans and considerations for the project's second phase involving outreach to separated children and youth was introduced by Simone Bommeljé and Yvonne van 't Oever and followed by workshops and discussions on methodology and obstacles in furthering the process.

A seminar report is being prepared.

Strategy Planning

A process for future SCEP strategy was initiated by the Steering Committee during the summer of 2007 and Terry Smith has been contracted to facilitate the process. Four Task Teams, composed of Steering Committee members and NGOs, are preparing proposals regarding future structure, working modalities, financial sustainability etc. to be presented to the NGO Network in the spring.

Position Paper on Trafficking

A joint Save the Children/SCEP 'Position Paper on Preventing and Responding to Trafficking of Children in Europe' was finalized in December 2007. The paper represents the internal Save the Children/SCEP framework for formulating and pursuing shared advocacy goals in the field of trafficking of children in Europe.

The position paper is available on:

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

Contribution to conferences

The SCEP coordinator gave a presentation on the need for guidelines for guardianship for separated children at the conference 'The migration of unaccompanied minors in Europe', that took place in Poitiers, France, October 10-11 2007.

The SCEP Co-ordinator gave a presentation on the SCEP and EU migration policies at a seminar on separated children organized by Save the Children Spain in Sevilla, Spain, November 22-23 2007.

SCEP Steering Committee

There is a change of NGO representatives in the Steering Committee. Thomas Gittrich has stepped down and is replaced by Taina Martiskainen

Changes with NGO partners & UNHCR

Austria: New SCEP contact person is Margit Pollheimer from Asylkoordination Österreich, e-mail: margit.pollheimer@donbosco.at

New UNHCR SCEP focal point is Christoph Pinter, email: pinter@unhcr.org

Finland: New NGO contact person at Central Union for Child Welfare is Taina Martiskainen, email: taina.martiskainen@lskl.fi

France: New NGO partner DEI-France, Les droits de l'enfant and contact person is Jean-Luc Rongé, email: rongepetit@free.fr

Germany: SCEP contact person at Bundesfachverband UMF, Thomas Gittrich, has changed his phone number to: 49 89 55 250 711.

Italy: New NGO main contact person at Save the Children Italy is Carlotta Bellini, email: carlotta.bellini@savethechildren.it

Latvia: New NGO contact person at Red Cross Latvia is Signe Putnina, e-mail: signe.putnina@redcross.lv

Malta: New SCEP contact person is Sarah Borda Bondin at Organisation for the Integration and Welfare of Asylum Seekers (OIWAS), e-mail: sarah.borda@gov.mt

Norway: New SCEP contact person at Save the Children Norway is Karoline Bakka Hjertø, e-mail: karoline.bakka.hjerto@reddbarna.no

Sweden: Eva Larsson-Bellander remains chair of Steering Committee, but new SCEP NGO contact person at Save the Children Sweden is Monica Jacobson, e-mail: monica.jacobson@rb.se

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

UNHCR

UNHCR releases study on key EU asylum law

In November 2007, the UNHCR released a study on the implementation of the European Union's 'Qualification Directive'. Adopted by the EU in 2004, the Qualification Directive is considered one of the building blocks of the Common European Asylum System. It sets out the criteria EU Member States must use to decide whether an asylum seeker is entitled to international protection, and what kind of protection he or she receives, whether it is refugee status or a subsidiary form of protection.

The study looks at how key provisions of this directive are implemented in five EU member states (France, Germany, Greece, Slovak Republic and Sweden) which together received nearly 50 percent of all asylum applications in the EU last year.

The study concludes that there is an improvement in the consistency of decision-making with regard to some issues, but great differences still exist on others. Much more needs to be done if the EU is to achieve a common approach to asylum claims. Therefore, this study includes recommendations to

the European Council, member states and the European Commission.

The study is available at:
www.unhcr.org/protect/43672f0a2.html

58th Session of the Executive Committee of the High Commissioner's Programme in Geneva, October 1-5, 2007

Various reports and other relevant publications from the meeting can be found through the following links:

All reports and notes:
www.unhcr.org/excom/46fb6c122.html

French version:

www.unhcr.fr/cgi-bin/texis/vtx/excom?id=46fb6c122

Conclusion on Children at Risk, No. 107 (LVIII) – October 5, 2007

www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=471897232

French version:

www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=471897325

Statement by Ms. Erika Feller, Assistant High Commissioner on Protection, October 3, 2007

www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4704e18d2

Note on International Protection. Report by the High Commissioner -A/AC.96/1038, June 29, 2007

www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=469377852

All conclusions on International Protection are available on the Refworld page in English and in French:

www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=type&kip=0&type=EXCONC

All notes:

www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=type&kip=0&type=UNHCRNOTES

European Union

The European Commission is determined to tackle the pull factor for illegal immigrants created by

employers providing illegal work. On May 16, 2007 a proposal was presented for a Directive on sanctions against such employers. This is part of a comprehensive European Migration policy which supports legal migration, fights illegal migration, builds cooperation with Third Countries and works with the development agenda.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/678&format=HTML&aged=0&language=EN&guiLanguage=en>

Annual report from EURODAC

The report on the activities of EURODAC (the EU wide biometric tool which helps determine which Member State is responsible for examining an asylum claim) gives a great insight into patterns of asylum seeking and illegal entry in the EU and shows a starting 'deterrent effect' for 'multiple applications' – asylum claims where the same person has already made an application in the same country or in another Member State.

Among report findings for 2006, it was noted that the number of registered asylum applications decreased while the number of registered irregular entrants increased significantly (+ 64% compared to data for 2005).

The report is available for download at:

ec.europa.eu/justice_home/doc_centre/asylum/identification/doc/sec_2007_1184_en.pdf

MEPs against detention of children

On September 12, 2007 the Civil Liberties Committee of the European Parliament amended the proposal on forced return of illegal migrants. In this frame, MEPs decided that "unaccompanied minors should not be removed or detained" and also added new paragraphs to ensure that families accompanied by one or more minors would be given separate accommodation and "only be detained as a measure of last resort".

Council of Europe

On October 25, 2007 twenty-three Council of Europe member states signed the **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** in Lanzarote, Spain. The Convention approaches the issue in a comprehensive manner, criminalising the various forms of sexual abuse, but also outlining measures to be taken in the field of prevention and protection, including support programmes for victims, as well as measures relating to national coordination and international cooperation. The Convention will

enter into force once it has been ratified by five states.

[wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec\(2007\)1002/10.1&Language=lanEnglish&Ver=annexe13&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](http://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2007)1002/10.1&Language=lanEnglish&Ver=annexe13&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

New recommendation to member states on life projects for unaccompanied migrant minors

On 12 July 2007, and on the proposal of the European Committee on Migration (CDMG), the Committee of Ministers adopted Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors. The overall purpose of this recommendation is to promote respect for the human rights and dignity of unaccompanied children who find themselves alone and vulnerable, far from their family environment and separated from their parents or guardians. The recommendation seeks to achieve this objective in two ways. Firstly, the recommendation offers advice to governments of both member and non-member states of the Council of Europe on how they could improve their policy and practice in relation to the migration management of unaccompanied minors, particularly by strengthening the international co-operation between them. Secondly, and most importantly, the recommendation provides detailed advice on how relevant authorities can, through the development of life projects, contribute to improving the welfare of these children.

[wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2007\)9&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](http://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2007)9&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

European Ministers of Justice request the Council of Europe to develop child-friendly justice

In a resolution adopted at the 28th Conference of European Ministers of Justice, which ended on the 26th on October, ministers asked the Council of Europe to examine ways of improving how authorities provide information to children regarding their rights and access to justice. This included the European Court of Human Rights, and how the views of children can be taken into account during judicial proceedings.

In a second resolution, the Council of Europe was asked to examine the means and measures granting access to justice for migrants and asylum seekers with the aim of facilitating access to justice, including the provision of legal aid and assistance. The Council of Europe was also requested to

examine specific issues of access to justice, legal representation, age assessment and deprivation or limitation of liberty of unaccompanied and separated children.

Lastly, the ministers of justice invited the Council of Europe to develop cooperation activities for the training of judges, prosecutors, civil servants and other persons dealing with requests for asylum, granting residence or managing complaints.

More information can be found at this link:

https://wcd.coe.int/ViewDoc.jsp?id=1202097&Site=DC&ShowBanner=no&Target=_self&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE

The Commissioner for Human Rights

Commissioner Thomas Hammarberg has launched a viewpoint entitled “Children in migration deserve better protection”. The viewpoint was motivated by how children who arrived by boat from Africa to the Canary Islands last year had been received – as described in the last SCEP newsletter and as documented in a report by HRW – see publications. Mr. Thomas Hammarberg comments, “Migrant children are one of the most vulnerable groups in Europe today. Some of them have fled persecution or war, others have run away from poverty and destitution. There are also those who are victims of trafficking. At particular risk are those who are separated from their families and have no - or only temporary - residence permits. Many of these children suffer exploitation and abuse. Their situation is a major challenge to the humanitarian principles we advocate.”

The viewpoint can be found at:

www.coe.int/t/commissioner/viewpoints/070806_en.asp

The Commissioner has presented a report on Germany see:

wcd.coe.int/ViewDoc.jsp?id=1163421&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679

Mr. Thomas Hammarberg has also issued memoranda on Denmark and Estonia. Go to: www.coe.int/t/commissioner/Activities/news2007/070711memoranda_en.asp

Because of “serious problems relating to child rights” Mr. Thomas Hammarberg recommends a stronger ombudswork for children in Romania.

Read the full story at:

www.coe.int/t/commissioner/activities/news2007/070926romania_EN.asp?

“Children have the right to be heard and adults should listen to their views”: lecture by Thomas Hammarberg, Commissioner for Human Rights, at the 2007 Council of Europe Kozak Lecture in Warsaw- Read the full speech at: <https://wcd.coe.int/ViewDoc.jsp?id=1213789&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

Committee on the Rights of the Child

The Committee on the Rights of the Child will be conducting sessions with Germany and Ireland in January-February 2008 and with Bulgaria in May/June. To view the session plan go to: www.ohchr.org/english/bodies/crc/sessions.htm

Austria: In its concluding observations on October 30, 2007 (CCPR/C/AUT/CO/4), the UN Human Rights Committee has taken up the following protection gaps regarding separated children in Austria: It noted with concern reports that asylum-seeking children are treated similar to adults in the asylum procedure and thus called on Austria to adopt a gender and age-sensitive approach to refugee status determination by issuing guidelines for first instance asylum officers on the treatment of separated children. The Committee also urged Austria to amend the Federal Asylum Act with a more liberal approach towards family reunification in cases of refugees and beneficiaries of subsidiary protection since the current definition of family excludes dependent adult children, minor orphan siblings and other persons with whom persons granted international protection enjoyed family life in their country of origin. Finally, the Committee asked to devise a system for the collection of data on women and child trafficking.

Croatia: CRC examined the Republic of Croatia’s Initial Report on the Optional Protocol on Children in Armed Conflict (OPAC) in September.

France: The fate of separated children in France, particularly those held at the border, has been severely denounced by the CRC in its recent recommendations to the French authorities following consideration of its initial reports on the respect of two optional Protocols to the

Convention (Consideration of Reports Submitted by States Parties Under Article 12 (1) of the Optional Protocol to the Convention (OPSC) on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, Concluding Observations: France (CRC/C/OPSC/FRA/CO/1-October 15, 2007):

“24. The Committee is deeply concerned at the situation facing unaccompanied children placed in the waiting zones of French airports and that the decision of placement cannot be challenged, that the legal requirement of the appointment of an ad hoc administrator is not systematically applied and that there is no psychological assistance available for these children which are particularly vulnerable to exploitation. The Committee is also concerned that children are often returned, without a proper assessment of the conditions, to countries where they face risk of exploitation.

25. The Committee urges the State party to take measures to provide for a procedure to allow the decision of placement in the waiting zones to be challenged, to fully implement its domestic law with regard to the appointment of an ad hoc administrator, the obligation to ensure the availability of adequate psychological assistance to unaccompanied children and to provide for the protection of children from exploitation within the waiting zones, particularly through strict surveillance of access. Furthermore, the Committee recommends that the State party ensure, with due consideration of the best interests of the child, that children in need of international protection and who are at risk of being re-trafficked are not returned to the country where this danger exists. In this regard it recommends that the State party be guided by the Committee’s General Comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin.”

Germany: Germany, which had ratified the Optional Protocol to the Convention on the Rights of the Child regarding the involvement of children in armed conflict in 2004, was obliged to submit its first report by January 2007. The report is now publicly available under the following links:

in English:
www.bmj.bund.de/files/-/1602/FakProt_Kindersoldaten_1_Bericht_engl_Fassung.pdf

in German:

www.bmj.bund.de/files/-/1601/FakProt_Kindersoldaten_1_Bericht_dt_Fassung.pdf

A shadow report was published on December 10th by the Kindernothilfe and terre des homes NGOs. The report is available under the FMR homepage-
<http://www.kindernothilfe.de> or
<http://www.tdh.de>.

Norway: The Norwegian Government has finished its first draft, and is to deliver its fourth report to the Committee by 2008. NGOs have commented on the first draft both in writing and in hearings. The NGOs are now preparing for their Supplying Report by 2008.

Sweden: The Concluding Observations on the sessions with Sweden have been launched. Guardianship is also an issue dealt with here as the Committee expresses appreciation for the Special Representative for Unaccompanied Children Act (2005:429) providing all unaccompanied children applying for asylum in Sweden with a representative ("god man"). However, it notes with concern that the appointment of representatives may take a long time and that the number of representatives is not sufficient to respond to the actual need.
<http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.OPAC.SWE.CO.1.pdf>

Switzerland: The Child Rights Network Switzerland is in charge of the preparation of the next alternative report that will be addressed to the Committee. The report will either be submitted by the end of 2008 or the beginning of 2009. Several NGOs specialised in children's rights and separated children will participate in the process to ensure that maximum information about the situation of separated children in Switzerland will be transferred to the Committee.

UK: Save the Children is particularly concerned about the ongoing violation of children's rights in the following area (among others):

Asylum: The Government reports states that "the interests and rights of asylum seeking children and young people are fully respected" but this is not supported by evidence. The UK Government still has a reservation on UNCRC relating to asylum seeking children. Around 2,000 children are detained with their families each year, from seven to 268 days. Detention harms children's mental and physical health and wellbeing, as well as their education. There is also a lack of quality services for

separated children; inadequate age assessment procedures and immigration procedures still don't reflect protection needs of children. Children living in families and separated children report that the negative effects of living in poverty and financial destitution is increasingly being used as a UK Government tool at the end of the asylum process to force families to return to their home countries, many of which are considered unsafe by the UN.

Save the Children is calling for the UK Government to:

Remove its reservation to the UNCRC relating to asylum-seeking children.

Stop detaining children as part of the immigration process.

Introduce a system of guardians assigned to every separated child arriving in the UK to ensure their proper protection.

Changes and Developments in Law, Policies and Practice

Austria: On December 5th, Austrian parliament approved a change in the asylum procedure to be realized by mid 2008. The Independent Federal Asylum Review Board will be dissolved, and an Asylum Court will be established as a second instance. The government's proposal on the asylum court has been criticised by UNHCR, legal experts and NGOs because its judges are not required to have any special training and are appointed by the government. Asylum seekers whose appeals have been rejected would no longer be able to appeal to the Administrative Court. The government's argument for the change is to accelerate the asylum procedure and to reduce the number of open asylum cases in Austria. UNHCR, NGOs, and legal experts have all spoken out against the plan. (As of October 2007: 34,000 persons).

For a UNHCR analysis of the asylum court see (in German):

www.unhcr.de/fileadmin/unhcr_data/pdfs/rechtsinformationen/5.2._A-Stellungnahmen/047_UNHCR_B-VG-Novelle-AsylGH_23nov07.pdf

Belgium: Circular of the Ministry of Justice and the Interior regarding European unaccompanied minors in the situation of vulnerability: August 2, 2007.

In Belgium, unaccompanied foreign minors coming from a EEA country are excluded from the supervision and protection system set up by the

“Service des tutelles” (the official guardianship service of the Ministry of Justice) The circular proposes a new service has been settle down within the “Service des Tutelles”: a Service of Description for unaccompanied European minors in a situation of vulnerability (SMEV).

According to the circular, SMEV is allowed to undertake minors and find provisional accommodation. The circular doesn't allow the possibility to indicate a legal guardian. European unaccompanied minors do not benefit from the same protection given to foreign unaccompanied minors, despite being in a similar situation of vulnerability as the foreign unaccompanied minors.

Bulgaria: a new Law on the Amendments of the Law on Asylum and Refugees entered into force in June 2007

Croatia: New Law on Asylum is enforced as of January 1, 2008.

Finland: Currently two ministries, (the Ministry of the Interior (MoI) and the Ministry of Labour (MoL)) share responsibility for the planning and implementation of immigration policy at the national level. However, under the Government Programme, an entity responsible for migration and integration will be established within the MoI. Responsibility for the reception of asylum-seekers and the integration of immigrants is currently being reorganised and is to be transferred from the MoL to the MoI 1.1.2008.

As was stated in the Government Programme, an investigation is being conducted on how the best interests of the asylum seeking children are realised in the asylum procedure. Treatment and the position of separated children are also being evaluated.

France: Separated minors are subjected to the same procedure applied to adults. A law passed on March 4, 2002 regarding parental authority foresees the appointment of an ad hoc guardian for separated children held in waiting zones. The ad hoc guardian, appointed by the Prosecutor, must ensure legal representation in all administrative and jurisdictional procedures regarding detention in the waiting zone and asylum requests.

Despite the law, a severe limitation exists because the guardian is not present during the preliminary handling of the request. The minor signs notifications of non-admission and detention in the waiting zone, allowing the police to return the

minor immediately, not giving the minor a chance to assert his/her rights.

In general, the guardian does not call upon the juvenile judge to ask for a protection measure. The guardian assists the minor while the judge confirms detention in the waiting zone (20 days maximum). According to regulations, the guardian is responsible for organizing the defence of the child deprived of liberty. Thus, the minor cannot defend him/herself before the court. The minor is not allowed to choose a method of defence or lawyer.

In 2006, 80 % of the minors held in the waiting zone in Roissy would have been able to benefit from the assistance of an ad hoc guardian. However, the French Red Cross refused 60 missions due to lack of staff.

Germany: On August 28, 2007 the Act for the Transposition of the EU Directives entered into force. The new Residence Act also includes a provision for those who remain in Germany on a long-term basis. According to Section 104 (a) Para 2, 2nd sentence Residence Act, (aged-out) unaccompanied minors who have been living in Germany continuously for six years can apply for a residence permit, with proof that through his/her education and way of life he/she is capable of integrating into German society.

The amended Residence Act can be downloaded at: (inGerman)http://bundesrecht.juris.de/aufenthg_2004/_49.html

(inEnglish)[http://www.bmi.bund.de/cln_012/nn_174390/Internet/Content/Common/Anlagen/The men/Auslaender__Fluechtlinge__Asyl/DatenundFakten/Residence__Act,templateId=raw,property=publicationFile.pdf/Residence_Act.pdf](http://www.bmi.bund.de/cln_012/nn_174390/Internet/Content/Common/Anlagen/The%20men/Auslaender__Fluechtlinge__Asyl/DatenundFakten/Residence__Act,templateId=raw,property=publicationFile.pdf/Residence_Act.pdf)

Hungary: New Law on Asylum (2007/LXXX)-Governmental Act (301/2007) will come into force on 01/01/2008.

§ 4. Decisions concerning children should be made in the best interest of the child

§60. Recognition of child-specific persecution

Ireland: We are awaiting the publication of the Immigration, Residence and Protection Bill.

For more information and NGO positions, please visit: Information Leaflet on Immigration, Residence and Protection Bill

<http://www.irishrefugeecouncil.ie/pub07/residence.pdf>

Comments by the Irish Refugee Council on the Immigration, Residence and Protection Bill 2007, in relation to the Protection of Separated Children

<http://www.irishrefugeecouncil.ie/pub07/comments.pdf>

UNHCR's Comments on the Immigration, Residence and Protection Bill 2007 have been published in *The Researcher*, Volume 2, Issue 3, September 2007 available from the Refugee Documentation Centre at http://www.legalaidboard.ie/lab/publishing.nsf/Content/Policy_Publications_Placeholder

Norway: After being challenged by a number of NGOs, the minister of labour and social inclusion has claimed that "the only option for illegal immigrants is to leave the country". This is to be addressed further by the NGOs and upcoming seminars discussing the topic.

Slovakia: An ERF II project focusing on vulnerable refugee groups in all refugee camps in the territory of Slovak Republic has been implemented throughout 2006, January-November 2007 and has been prolonged until December 2008.

Slovenia: A new Law on International Protection, which will replace a Law on Asylum, was confirmed by the Parliament. The new law lowers the standards of treatment towards asylum seekers and separated children. For instance, a separated child's guardian can be a person who accompanies a child – this is problematic because Slovenia does not have the mechanisms to determine if the person accompanying the child will act in the child's best interest. The new law also abolishes the article stipulating that separated children cannot be returned to their country of origin or a third country willing to accept them until suitable reception and care are provided. Separated children cannot be returned if their return is not in accordance with adopted international documents.

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

Spain: The majority of minors entering Spain come from Morocco. Over the last several months, there has been an increase in the number of children coming to Spain from Sub Saharan countries, with motives such as escaping civil wars, hunger, economic and political instability of their countries, or because they are victims of persecution. The majority of children are between the ages of 14 and 17, and even some as young as 12 and 13. It has also been noted that there is an increase in the number of girls coming to Spain.

In August 2007, the Ministers' Council approved the signature to a referendum on the agreement between Spain and Morocco to cooperate in the prevention of illegal immigration of separated children, their protection and return, and proposed its reference to the General Spanish Parliament. The approved agreement has yet to announce concrete terms but will hopefully follow terms similar to those signed with Romania and Senegal.

Save the children is not opposed to repatriations of separated children. We do believe that when the child's best interest advises it, it is the most suitable and necessary solution. Nevertheless, after analyzing the content of the agreement we find that:

- It does not provide enough directives or give sufficient time to thoroughly determine the child's best interests.

- There are no minimal legal guarantees during the execution of the repatriation, especially the right to be heard and the juridical assistance.

- There are no guidelines specifying ways in which delivery of the Moroccan minors is to be achieved.

Based on these observations, the elaboration of a uniform Repatriation Protocol should be applied throughout Spanish territory, with the aim of holding certain guarantees for children during the repatriation process.

Switzerland: After the implementation of the revision of the Swiss Asylum Act voted by the Swiss population in September 2006, all asylum seekers whose demands have been rejected will be excluded from welfare assistance after the 1st of January 2008. They will only have the right to receive urgent aid which is guaranteed by our Constitution. The government hopes to encourage asylum seekers to leave the country since the aid is not fruitful.

UK: As of October 2007, young asylum seekers in Scotland who have attended Scottish schools for more than three years, will be exempt from university tuition fees. This change of law is made to help the young asylum seekers continue their education.

Read the full story at:

www.scotland.gov.uk/News/Releases/2007/08/03082811

Detention

EU: MEPs of the European Parliament and the LIBE Committee visited three UK detention centres November 21-23 and reported that conditions in UK detention centres are generally good but children of asylum seekers should not be detained. MEPs were also concerned about the length of detention and the issue of confining innocent people with criminals: "this is always problematic but in the case of children, it is inhumane". The visit was carried out as part of a study conducted by the LIBE committee on detention conditions in the EU, with findings expected to be published next year. The next LIBE visit took place in The Netherlands on December 19th.

Austria: There are reported cases of detention involving separated children, but we don't have exact data. Separated children were sent back to their home country (e.g. Kosovo) against their will after their asylum claim was rejected.

Belgium: It seems that foreign unaccompanied minors arriving at the state boundary are not held for more than 6 working days at the boundary's detention centre. During these 6 days, the Service checks the minor's status to determine if he/she is indeed a "foreign unaccompanied minor" as described in the December 24, 2004 law. Within this timeframe, the possibility of carrying out an age assessment can also occur. Once granted status of an unaccompanied minor, the youth is transferred to a centre of observation and orientation, both located close to Brussels.

Bulgaria: Some asylum seekers asking for protection at the borders are initially transferred to Busmantsi DC (Centre for detention of illegal foreigners). In recent months the number of asylum seekers has increased and the Reception centres of the State Agency for Refugees are overcrowded. At the same time, the Transit centre in Pastrogor is not operating yet but is expected to start working in 2008. As a rule, asylum seekers from vulnerable groups, including separated children, are not detained. If detention occurs, their applications for asylum are processed with a priority and they are released within a week.

Finland: Two separated children were detained on November 1, 2007 through deportation from Finland. One of them had previously entered

Finland claiming to be an adult. Another 13 detained minors were with parent(s).

France: Minors who are 13 and older are held in waiting zones with adults (ZAPI III for Roissy). Minors under the age of 13 are held on a specific floor of a nearby hotel without visiting privileges. Meetings with the ad hoc guardian, lawyer and associations which have access to the waiting zone are difficult because the minors must be moved to another place to attend these meetings. No specific hosting facilities for minors exist in waiting zones.

Germany: The Act for the Transposition of the EU Directives, which entered into force on 28 August 2007, according to Section 28 (2) Asylum Procedures Act permits to deny entry and to detain the respective person in cases of possible responsibility for the asylum application of other member states on the basis of the Dublin II Regulation or other international treaties. This provision could lead to an increase in the number of detentions of minors who try to enter Germany.

Hungary: Although children should not be subject to detention in Hungary, human rights monitors have found asylum-seeking children with parents in 2006 and a separated asylum-seeking child in detention 2007.

The new Aliens Act in force since 1 July 2007, decreases the length of administrative detention from 12 months to 6 months. As of 1 January 2008, asylum-seekers cannot spend more than 15 days in administrative detention (admissibility procedure).

Luxemburg: Two 17 year old Nigerian males were detained in connection with drug trafficking.

Malta: Following the set up of a specialised unit in detention by OIWAS, funded by the EU, the referrals, assessment and coordination for release of unaccompanied minors is being coordinated more efficiently.

Norway: The police immigration unit in Oslo has a detention centre called Trandum, near by the airport Gardermoen. Save the Children Norway wrote a letter to the unit in May this year, addressing the problem with minors at the centre and got these answers concerning unaccompanied minors: 12 unaccompanied asylum seekers had been registered at Trandum in 2006. The police do not know whether all those registered actually are under-aged.

In 2007, there have been no unaccompanied minors at Trandum. The longest stay at Trandum in 2006 for an accompanied minor was 31 days. Average stay was 2, 6 days.

Portugal: The Portuguese Asylum Law does not adequately address the issue of detention. There are no records of detained minors in Portugal, except for those held at international areas, namely, the airport.

Romania: According to Romanian asylum legislation, separated children seeking asylum can not be held in detention solely on the ground of being asylum-seekers.

Slovakia: Section 62 of the Aliens Act no. 48/2002 was amended as follows:

(1) A policeman shall be entitled to arrest an alien for the purpose of

- a) execution of his/her administrative expulsion or enforcement of the punishment of expulsion,
- b) execution of his/her transportation pursuant to a separate Act or
- c) his/her return pursuant to a separate Act, provided that he/she entered the territory of the Slovak Republic without authorisation or stays on the territory of the Slovak Republic without authorisation.

Provision of Paragraph 1 does not apply to a minor alien who does not have a guardian.

Generally, if it is proved by e.g. any document that the person in detention, who applied afterwards for the asylum, is under 18 years, s/he is released from the detention and.

Slovenia: In 2007 (until the end of November) there were 74 separated children who 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.

Age Assessment

Austria: On June 13th a Consensus Conference on Age Assessment was held in Vienna, organised by the Kinder- und Jugendanwaltschaften Austria together with Kinderstimme, under the patronage of UNHCR and UNICEF. Experts (lawyers, psychiatrists for youth, and social workers) provided a view on age assessment based on Austrian law and proposed a multi-dimensional way of combining observations, interviews, and biographical

information in conducting a psycho-social assessment, taking into consideration not only age, but also the needs of the young person.

Currently many separated children are sent by the Federal Asylum Agency to see a psychiatrist at Linz for age assessment. The quality of this kind of age assessment is very poor, the psychiatrist is conducting an interview with the young person for 10-20 minutes and not in a child-friendly way. of conducting the interview. Social workers reported the situation as very degrading and scaring for the minors. In most of the cases the psychiatrist is assessing the person as an adult, concluding that separated youth were sent upon becoming of age or are addressed as untrustworthy in their asylum procedure. It was also noted that young people, shortly before their 18th birthday were sent for age assessment. The organisations and youth welfare office are working to fight this kind of age assessment.

Croatia: New bylaws of the new Law on Asylum will probably encourage the option of age assessment in cases where authorities find doubt in the person claiming to be a minor

Finland: A couple of cases have received a positive decision to their asylum applications after an appeal of the first decision in spite of the age assessment result that has indicated that their age would be 18.

France: In 2005 and 2006, 124 and 89 persons who claimed minor status upon arrival in Roissy were declared young adults at the border after a bone age assessment was conducted. During the first half of 2007, 71 persons who claimed to be minors were declared as adults.

When the border police doubt the age of a minor due to physical appearance, an assessment is requested. According to the President of the tribunal of Bobigny, 25% of minors with confirmed detention in the waiting zone of Roissy were subject to the assessment. In some cases, minors had documentation proving civil status, yet these were considered fake.

Upon request of the Prosecutor, the medical-judicial services conduct an age assessment to determine whether the person is a minor or not. Usually, the margin of error- regarded as at least 18 months - for this type of assessment is not taken into account. The medical community considers this type of assessment to be scientifically unreliable. Despite such range of error, the Court of Cassation (Supreme Court) ruled that judges were free to

assess the age of minors through this type of evaluation.

Following the opinion of the Consultative Committee of Ethics on 23 June 2005, the National Academy of Medicine, in its report on 16 January 2007 noted the scientific weaknesses in this type of assessment.

Germany: On 28 August the Act for the transposition of the EU Directives entered into force. The Act includes a new provision in Section 49 para.6 of the Residence Act on age assessment. According to this new provision somatic methods to be applied for age assessment purposes by a physician are allowed as far as it does not infringe on the applicant's health. The provision does not include the duty to inform the minor and to obtain the minor's or his/her guardian's consent for this measure and does therefore not comply with the standards set by Art. 17 (5) of the EU Procedures Directive. According to our information, the new provision has, however, not yet led to an increase of the application of X-rays for age assessment reasons. The new Residence Act can be downloaded from:
in German: bundesrecht.juris.de/aufenthg_2004/_49.html
or in English: www.bmi.bund.de/cln_012/nn_174390/Internet/Content/Common/Anlagen/Themen/Auslaender__Fluechtlinge__Asyl/DatenundFakten/Residence__Act,templateId=raw,property=publicationFile.pdf/Residence_Act.pdf

Italy: A new circular of the Ministry of Interior (Prot. 17272/7) on identification of migrant children establishes that:

-In cases where the child's age is uncertain, all tests prescribed by law should be conducted to establish the chronological age of the child. Public clinics should be involved as a priority.

-In accordance with the CRC, children should be given the benefit of the doubt.

-In cases of doubt, a person shall be treated as being less than 18 years of age.

Luxemburg: There is one case of age assessment to report. A youth who claimed to be 17 underwent a wrist test which determined the youth's age to be at least 19.

Malta: Following this summer's experience with a panel of professionals conducting age assessment, the policy on age assessment is being reviewed in light of serious concerns regarding the wrist-bone X-ray. In fact, the age assessment panel is working

on promoting more in-depth interviewing with the alleged minors and depending less on this test. The team is also exploring the possibility of a second test.

Norway: With effect from July 1, 2007, two new statutes about DNA-testing and age-testing came into effect in the Immigration Act. The regulations do not bring about any changes in the practices, but gives the Norwegian Directorate of Immigration better legal basis for the practices that are currently in use. DNA-tests are used in conjunction with applications for residence permits for family members if there are reasons to doubt the alleged family relation. Age-testing are used mainly in applications for asylum where the applicant claims to be an unaccompanied minor, but appears to be older than that. It may also be relevant to use age-testing in conjunction with applications for family reunions where there is doubt whether the spouse is over the age of 18.

The new rules will not change the fact that no individual will have to undergo testing. If an applicant does not want to comply with the request, however, this may weaken the case.

Save the Children Norway was critical to the passing of the statutory about age-testing, as we see the methods in use as too unreliable. (See last newsletter).

Portugal: No specific legislation or measure exists with regards to age assessment. However, the Asylum Law allows external experts to be contacted for the procedure. These experts are from the Forensic Institute.

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 Office for Immigration 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.

Slovakia: Age assessment is rarely done in Slovakia by the Asylum authorities. However, if the guardian has already been appointed by the court to the minor, Migration Office can not question or determine personal status, i.e. age, of the asylum

seeker. No other developments occurred during year 2007.
No age assessment was done during the year 2007.

Spain: There are minors especially from sub-Saharan African countries that despite the fact that they bring their documentation (where it clearly says that they are minors) with them, the Spanish authorities do not consider their documentation valid and they prefer to make the age assessment to the children, even knowing that the method has a great margin of mistake.

Guardianship

Austria: Guardianship for separated children is conducted differently in the provinces of Austria. In Lower Austria normally within a week the Youth Welfare receives the decision of the court to take the guardianship, in Salzburg it takes up to 6 months. Also the engagement of the social workers responsible for separated children differs a lot, from weekly visits to meeting the kids once.

Croatia: Croatian Family law obliges social services to appoint a guardian as soon as they are notified by the police that a separated child has been found. In the majority of cases, an adult from the group of migrants travelling with the separated child is appointed, although this practice is, if the adult is not properly assessed, in direct contradiction with the Family law articles on guardianship. The only exception CSPI is aware of involves the local social services closest to the Reception centre for asylum-seekers, where professionals are always appointed.

A group of professionals from relevant state bodies/institutions, University and CSPI, gathered around the Ombudsman for Children, is preparing guidelines for police and social services on the treatment of separated children. The guidelines will strongly recommend that guardianship for separated children be performed by professionals from (or supervised by) local social services.

Denmark: The Danish Aliens Act has been changed, such that all separated children have the right to a guardian; not just the children seeking asylum. This change in the legislation is the result of the efforts to protect all separated children who fall victim to trafficking. This reform has been a strategic point of advocacy for Save the Children Denmark in recent years.

France: Separated minors held in waiting zones are in danger because French administration cannot ensure their care upon arrival, especially if they are returned.

Some of the dangers include the absence of parents or legal representatives, the sanitary conditions of the detention areas in waiting zones and whether or not they are also held with adults. A big concern lies in the risks present if the minors were to be returned to their country of origin. These risks may be larger than the fear of persecution which justifies a request for asylum. The dangers can range from networks which abuse them or cases of children abused by members of their family. The danger persists when administration cannot guarantee the minor's safety upon return and if he/she will be taken care of by legal representatives or social services, especially when the parents of the minor are in France and the minor was denied access to the territory.

Since 2001, the president of the Juvenile Court of Bobigny can rule on the degree of danger facing minors held in waiting zones. According to law, danger means "when health, security or morality of a minor is in danger or if the conditions of his education or of his physical, emotional, intellectual and social development are greatly compromised". However this procedure is seldom used because ad hoc guardians do not inform the Juvenile Court. The law states that the child is under the care of the child social protection (ASE) and that the Prosecutor and minor can immediately refer the case to the juvenile judge. In practice, lack of information does not allow this practice to happen often.

Hungary: § 35 of the law LXXX/2007: (Case-) Guardians should be involved from the very beginning of the asylum-procedure. Turning 18, youngsters enjoy following-up and become subject to the state's guardianship system until finishing their studies

Ireland: On 28th November, the Irish Refugee Council and the Centre for Criminal Justice and Human Rights at University College Cork, organized a seminar to examine standards and good practice with regards to guardianship for separated children. The main aims of the seminar were to:
Raise awareness about relevant national and international obligations regarding the role of guardians for separated children
Highlight research and showcase good practice from other countries

Compare Irish practice with international standards good practice models
Solicit recommendations for improving Irish practice in the future
Seminar materials are available upon request: jyothis@irishrefugeecouncil.ie

Luxemburg: Two new children were placed under our guardianship.

Malta: Guardianship remains the responsibility of the residential social workers that work closely with the unaccompanied minors on a daily basis at the reception centres.

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 as soon as possible from the moment when a person declaring that (s)he is a separated child lodged the asylum application. The refugee status determination procedure is suspended until the appointment of a legal guardian. According to the Law on Child Protection appointed guardians are staff members of the local Directorate for Child Protection (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.

Slovakia: A new education project under the Slovak Humanitarian Council is planned to start in the beginning of 2008 if the project is approved by the Ministry of the social affairs, labour and family. There were cases reported that when unaccompanied minors came to Slovakia with his/her close relatives e.g. with a brother, these relatives were appointed by the court as the guardians for the unaccompanied minors.

Spain: Once again a clash exists between the central Government and the Canary Executive over the issue of separated children. Jesus Caldera, the Minister of Labor and Social Affairs, committed a breach in his commitment to move separated children to the Peninsula once numbers exceeded 300. To date, 868 unaccompanied children are on the Canary Islands

At the end of November, the Canary Executive sent a group of 20 unaccompanied minors without warning the Ministry. It is expected that 70 more children will be moved before 2007 ends. The

issues have caused tension and possible involvement of the Moncloa on foreign issues with the Canary Executive.

Ninety minors, mostly from Senegal, Mali, Guinea, and Ghana will be received in a residential centre managed by the NGO Foundation Armenteros in Salamanca. The Government of the Canaries, Castile, and Leon arranged for the move.

Reception

EU: The European Commission publishes its evaluation of the implementation within 23 Member States of Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers Directive (the Reception Conditions Directive). (Denmark does not take part in the adoption of EU asylum legislation, Ireland did not use its opt-in and Bulgaria and Romania were not yet EU Member States at the time.).

The Directive is applicable to all third country national and stateless asylum seekers from the time of filing their applications for international protection until the final decision on their application. The Reception Conditions Directive includes provisions on access to information and legal assistance, employment, vocational training, health care, special assistance for applicants with special needs and provides for the obligation to supply them with proper documentation certifying their status. As the Directive sets out minimum standards, Member States may introduce or retain more favourable provisions.

Overall, the Commission concludes that the Directive has been “transposed satisfactorily” in the majority of Member States. Contrary to fears previously raised upon adoption of the Directive, the report shows that Member States have not lowered their previous standards of reception of asylum seekers. Only 3 Member States decreased in a given area the reception conditions they provide, while as many as 12 Member States raised their standards compared to the rules in place before its adoption (in particular as far as granting access to the labour market and education are concerned).

The Report identifies a number of problematic areas in certain countries, including the timely delivery of appropriate documentation and adequate location and capacity of reception centres remains a challenge in many Member States. It also identifies a few best practices, including practices in some Member States aiming at creating good relations with asylum seekers and the local community.

Moreover, the Commission concludes that the report “also shows that the wide discretion allowed by the Directive in a number of areas (ie. regarding access to employment, level and form of material reception conditions, free movement rights and needs of vulnerable persons, including children) undermines the objective of creating a level playing field in the area.”

The Commission notes that it will address the issues flagged in the report in the proposal for amending the Directive which will be presented in July 2008.

Austria: The specialized homes for separated children are working to capacity, there are fewer places for the kids than last year, two houses have been closed in the last months. Therefore kids have to stay longer in the Initial Reception centre than before after their admission to the asylum procedure (ca. 2 months).

Belgium: The system of reception of the foreign unaccompanied minors, which was reformed by the law of January 12, 2007, must still be actually implemented. This system will organize the reception either according to the administrative statute of the minor, with considerations to his specific needs.

A 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 statute, as far as they have followed a scholarship for 3 successive months. Entry into force envisaged: January 1, 2008

Finland: The group homes where separated children are accommodated are currently full. This is partially due to the closure of some of the homes during the past years. Minors that have been granted a residence permit have had to wait in the group homes as they have not been able to move into municipalities because the family group homes have been crowded. There is also a trend of small, mainly Somalian children arriving this year. Some of the small children are placed into ordinary child welfare institutions.

France: Two specific systems exist to care for separated minors in the Paris region:

LAO: a facility operated by the Red Cross, which hosts separated minors and provides family tracing/reunification and/or takes care of the installation of minors in France;

CAMIE: emergency care scheme for minors in Paris, providing accommodation, sanitary and educational assistance.

Minors under the protection of the ASE are generally sent to accommodation centres and foster families. They can benefit from the same assistance and services as other minors residing in France also considered at risk.

Hungary: Children are put in child-care institutes instead of refugee reception centers, siblings should be kept together unless against the best interest of the child. Vulnerable groups, including separated are not subject to the admissibility procedure (which is held in the transit zone of the airport within 8 days prior to the admittance to Hungary)

Italy: A recent circular of the Ministry of Interior (Prot. N. 200704165/15100/14865 (39), 18/07/2007) establishes that: Separated children nationals of new EU accession countries should be registered following the Judiciary's appointment of guardianship. The guardian or care provider is responsible for completing the child's registration by presenting the Juvenile Court's decision.

A directive of the Ministry of Social Solidarity (Prot. N. 2225, 17708(2007) set up a specific fund of 10.000.000,00€ for the protection of foreign separated children present in Italy. The fund supports any measure/intervention aimed at protecting children and fostering their integration, in order to avoid clandestinity. Activities that can be supported are: collection of data and monitoring aimed at setting up a database that could help detect the child's experience; assistance and protection, with the involvement of psychologists, social workers and cultural mediators; implementation of education programmes and vocational and professional training.

Luxemburg: Three boys were immediately placed in a home for minors.

Malta: Placement of unaccompanied minors is conducted according to age. Youth are placed in one of two homes dependent on whether they are older or younger than 16. This procedure helps in more successfully catering to their individual needs.

Norway: On December 1st, the unaccompanied minor asylum seekers under 15 moved from reception centres, to a centre under the child welfare system.

The reception centres for unaccompanied children have been offering temporary residence to asylum seeking minors in Norway. The offer is available from when the application for asylum is made until the person concerned has either been granted a residence permit and been settled in a municipality, or has his or her application rejected, in which case the offer of residence applies until the exit date as determined by the authorities. The reception centres are operated under municipal or private management by arrangement with the Norwegian Directorate of Immigration (UDI).

The new centre is to be run by the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), which is the Norwegian governmental office for the welfare and protection of children and families. Its main objective is to provide services of high and accurate quality to children, regardless of the children's legal status of residence in Norway.

Another important distinction is that these children now will have the same rights according to the Child Welfare Act as Norwegian children.

Portugal: Unaccompanied minors are received at the PRC's reception centre. The centre has a designated area for minors. Few cases of unaccompanied minors under the age of 16 exist.

Romania: In 2007 all separated children seeking asylum were accommodated in ROI Reception Centers for asylum seekers and refugees.

The Asylum Law stipulates that unaccompanied minors/separated children over 16 years may benefit from free accommodation in centres for asylum-seekers or in accommodation centres for vulnerable refugees (Article 24 paragraph (2)). According to provisions in the Child Law, refugee children under 16 years would be accommodated in a shelter under the administration of the Directorate for Social Assistance and Child Protection. One separated child of Somali origin under 16 was accommodated temporarily (August-September 2007) in the shelter run by the Directorate for Social Assistance and Child Protection Maramures. During Ramadan period he requested and was allowed to stay in the Reception/Accommodation Centres with other co-nationals.

Spain: In 2007, the Social Services of Gran Canaria shut down the Minors' Protection Centre Laurisiva, in Ojos de Garza (Telde), after the Public Prosecutor of the High Court of Justice carried out an inspection and determined that the centre did not satisfy even minimal conditions necessary to

receive children. The Public Prosecutor arranged the centre's evicting after two inspections which demonstrated that the facilities do not possess the minimal conditions of being habitable or hygienic.

Another pressing issue is the lack of information on immigrant minors who might be seeking asylum. A young asylum seeker may be mistaken for an economic migrant and may be wrongly subjected to immigration control measures. There are numerous difficulties in identifying asylum seekers due to the lack of asylum training for people who have initial contact with those entering the country and other professionals such as educators, social workers, interpreters, and also because minors are not aware of their rights to request asylum.

Sweden: There is still a high number of separated children coming to Sweden. The problems in finding good reception conditions for the children persist. Since the municipalities took over the responsibility for accommodating the children from the Migration Board in 2006 this has been an ongoing problem. The situation has improved slightly and more municipalities have agreed to take responsibility for the children. The financial support from the Government to the municipalities has been raised. The Migration Board has made public statements in the effort of getting more municipalities to accommodate the children.

Missing Children

Austria: Some separated children are assumed to have migrated. The care taking institutions are reporting every missing child to the police, but the police are not successful in finding them.

Ireland: From January-November 2007 a total of 21 separated children have gone missing from state care.

Norway: The Norwegian Directorate of Immigration (UDI) reports that by the end of September 2007, 9 unaccompanied asylum seeking children had left the reception centres without notice. In these 9 cases UDI has no knowledge of their whereabouts.

Slovenia: In Slovenia, most of the children who apply for asylum disappear from the Asylum Home. Through November 2007, the number was 13. In most cases these were boys that wanted to join their relatives in other European countries.

Sweden: In the end of November, 4 Chinese separated children went missing. Two of them were found after search. In relation to this, 2 persons have been arrested suspected of people smuggling. The investigation has recently started and little is yet known.

Dublin II practice

Austria: Authorities did not believe the age of a separated child in 49 cases. This usually occurs in the Initial Reception Centres where Dublin II information from other countries provides a different age on the youth at question. Because most of the youth in question are treated as adults, they are either sent to detention centres until the end of Dublin consultations or deported.

Bulgaria: Bulgaria began implementing Dublin II in 2007 with its admittance into the EU. There are no cases of separated children thus far.

Finland: Different actors have raised concerns on returning minors especially to Greece.

Hungary: Fingerprints are taken from everybody over 14 years of age when applying for asylum. The Dublin II procedure must be finished in 15 days and the transfer shouldn't last longer than 60 days altogether. There is a possibility to appeal against an unfavourable result at the court.

Ireland: In May 2007 the Irish government changed its policy regarding the implementation of the Dublin II regulation. It is now possible that separated children may be returned. Thus far only a couple separated children, who were aged-disputed, have been returned under the procedure.

Romania: In October 2007, two separated children from Guinea lodged asylum application in Romania. After introducing the fingerprints in EURODAC, it resulted that the two had previously applied for asylum in Germany. The Directorate for Asylum and Integration initiated the procedure for the transfer of the two children. The two children were informed about the transfer in the presence of the legal guardian and of the NGO legal counsellor. The two separated children disappeared before steps for their transfer to Germany were taken.

Slovakia: If the unaccompanied minors are returned to Slovakia under the Dublin II they are admitted to the procedure without problems. There

were no cases reported in 2007 that the unaccompanied minors when returned were detained.

Slovenia: Two Afghan minors were transferred to England and Greece.

UK: A 15-year-old Iraqi asylum seeker deported to Austria is to be returned to the UK after a high court judge condemned the Home Office's "total lack of humanitarianism" in the case. He arrived unaccompanied in Britain a year ago, and was said by his carer to have been terrified when Border and Immigration Agency officials arrived without warning at his home in south-west London at 4am to arrest him in December

Rory Dunlop, for the home secretary, said she had acted within her powers and that sending J back to Austria had been in line with regulations for removing an asylum seeker to a safe third country. It had been reasonable for the Home Office not to warn social services or the carer of their plans. "There was a reasonable suspicion that social services would let slip that information to the claimant as that was why he was not [at his carer's home] on the previous occasion." Liz Barratt, from J's solicitors Bindman & Partners, said outside court that was a "very serious allegation". The boy's case is expected to be heard before Easter.

Procedures and Recognition

EU: On December 1, 2007, only 6 Member States (Bulgaria, Germany, Luxemburg, Austria, Romania and the United Kingdom) have communicated their national measures indicating that they have transposed fully the Asylum Procedures Directive (Council Directive 2005/85/EC of 1 December 2005, on minimum standards on procedures in Member States for granting and withdrawing refugee status). 4 Member States (Belgium, Estonia, France and Lithuania) have notified partial transposition.

Vice President Franco Frattini, Commissioner for Justice, Freedom and Security, said: "The delay in implementing the Directive sends a worrying message. The obligatory provisions of the Directive have brought to the EU asylum acquis a number of procedural guarantees and rights, which are of paramount importance for genuine refugees seeking protection in Member States. These guarantees shall now be recognised, implemented and, if necessary, enforced by courts within the national asylum

systems. This should have already become an every day reality for asylum practitioners in Member States. After the delays in transposition of the Reception Conditions Directive and the Qualification Directive, this delay is indeed disappointing, particularly because it occurs at the time when there is a strong political will to complete the second phase of the Common European Asylum System".

Austria: Somali children are immediately recognized as refugees by the Federal Asylum Agency (1. instance). In other cases recognition as refugees is received by the independent Asylum Review Board (2. instance). Nonetheless, the asylum procedure is time-intensive, therefore in most cases the recognition or rejection of the asylum claim is received once the youth reached adult age. The Asylum procedure will be changed by mid 2008.

Bulgaria: In 2007 the number of asylum seekers from Iraq increased. They are usually granted humanitarian status, but some received refugee status. In 2007 humanitarian status, a subsidiary form of protection was granted to 4 separated children and no one was refused of the asylum application. In the reported period the number of separated children seeking asylum decreased from 73 in 2006 to 21 through November 2007. Yet, the total number of newly arrived asylum seekers increased, most were Iraqi asylum seekers.

Croatia: New Law on Asylum will grant free legal assistance to asylum seekers only in the second instance (such as an appeal).

Denmark: This year, a minor, who had fallen victim to trafficking, received a residence permit pursuant to a section in the Aliens Act that provides residence if it is assessed that the child would be in an actual emergency situation were he/she repatriated. This residence permit provides good evidence that there is actually substance behind the declarations made in the Danish action plan for the prevention of trafficking in people. The action plan declares that "If a child's asylum application is rejected, the child will still, in certain cases be granted a residence permit, if returning the child to the country of origin would be unsafe".

For the Danish Action Plan to Combat Trafficking in Human Beings 2007-2010 see ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

Finland: The Ministry of Interior (MoI) is drafting a proposal to change the Aliens' Act that is under review. According to the proposal, temporary residence permits (so called B-permits) will no longer be granted to persons whose return to their home country is not possible because of technical reasons. Temporary permits have been criticised by several actors because these permits do not automatically guarantee the right to basic education and further studies. Concerns have been raised especially in the case of separated children as a temporary permit does not provide the right to a family reunification.

It is also proposed that a (continuing) residence permit will be granted instead of a temporary permit to persons who cannot be returned to their home countries. This residence permit could be granted also after a negative asylum decision or at the latest within one year of the decision of returning the person if it has not been possible to return the person.

Germany: 90 decisions on separated children and/or unaccompanied children under the age of 16 were taken by the Federal Office from January to October 2007. Five were granted refugee status (2 Iraqi nationals, 2 Ethiopians, one Guinean), while ten received subsidiary protection. The overall protection rate for separated children/unaccompanied minors under age 16 (refugee and humanitarian status) stood at 16.7% (19.2% without otherwise closed cases).

Hungary: In 2006, there were 61 applications from separated children for international protection, 8 recognitions as Convention refugees and 6 as beneficiary of subsidiary protection.

In 2007, there were 65 applications for international protection, 4 recognitions as Convention refugees and 3 as beneficiary of subsidiary protection.

Norway: By August 2007, 203 persons had, in delivering their asylum application to Norwegian authorities, claimed to be a minor. By the same date 152 persons, after age assessment declared them to be of minor status, had been granted a residence permit. 190 persons also considered minors simultaneously had their application under substantive discussions.

In 2006, 24 % of the unaccompanied minor cases in which a decision was reached, the applicant was found to have been older than 18 at the time of application, and their applications were processed according to the procedure for adults. In addition,

17 per cent turned 18 years of age before a decision was reached. They were therefore considered to be adults when their case was processed. For some unaccompanied minor asylum seekers, parents, or other with parental responsibility in Norway were found while the application was being processed.

Just over 100 persons had their application fully examined and processed as an unaccompanied minor in 2006. 89 per cent of these had their application granted, while for the remaining 11 per cent the application was rejected. A common reason for rejection is that an adult caregiver is claimed to be found by Norwegian authorities in the child's home country.

Romania: Six separated children were recognised refugees in Maramures Regional Centre, three granted protection in the administrative stage of the procedure and three in the judicial stage of the procedure.

Other two persons of Somali origin (one male in Timisoara and one female in Bucharest) who declared themselves as being separated children, but were certified as being over 18 after the age assessment process, were granted a form of protection in Romania. The Somali man was granted subsidiary protection by Timisoara court and the Somali woman was granted refugee status by the Directorate for Asylum and Integration.

Slovakia: Slovakia has still remained the transit country for the unaccompanied minors in year 2006 and 2007. 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. They leave voluntarily the territory of the Slovakia and their procedure is thus terminated. In 2006 and 2007 there was no asylum granted to the unaccompanied minor. However, this can be influenced by the fact mentioned above.

The unaccompanied minors can either apply for the asylum in Slovakia or if they do not do that they are automatically granted the tolerated residence in Slovakia for maximum 180 days and this period can be prolonged until they are 18 years old.

Slovenia: Since May 2005 no asylum has been granted to a separated child.

Spain: The apparent "incompatibility" between requesting residence authorization and requesting asylum, becomes increasingly visible. Minors are often advised by their educators or guardians to not request asylum because it is a time extensive process

and avoid the risk of administrative irregularity, especially if they are close to reaching adult age. In theory, both procedures of requesting asylum and a residence permit could be completed at the same time, but some Autonomous Communities refuse to admit such a practice.

Family Tracing and Reunification

Austria: In cases reported for Afghanistan and Somalia, organisations are using the service of the Red Cross for family tracing, cases reported for Afghanistan and Somalia.

Bulgaria: The amendments in the Law on Asylum and Refugees entitle the humanitarian status holders with the right of family reunification. The old Law excluded them from the group of people, eligible to family reunification.

Finland: The Directorate of Immigration (DoI) has contracted the International Social Service (ISS) to trace family members of separated children. The Embassies of Finland are not suitable for tracing purposes, but further cooperation is being developed with the IOM in addition to ISS. Relatives residing in Finland are being heard more often than in the past.

In 2006, tracing was initiated in four cases. Until November 2007, seven tracing cases were started out of 40 asylum interviews of separated children. So far no parents or guardians have been found. The DoI is committed to make asylum decisions within the six month time limit, which is often the reason for not continuing the tracing. It has proven to be time consuming to trace family members e.g. from Iraq and Somalia. If there are indications that family members could be found within a short period of time, the tracing may continue a bit longer. According to the law, the tracing has to be conducted during the asylum procedure.

Currently the law on tracing includes only minor asylum seekers and it would not be possible to trace parents of minor victims of trafficking.

Hungary: Separated children are asked about their family members or caretakers during their first interview. The tracing of family members is to be realized by Immigration authorities together with NGO's, not putting the child and/or family members in danger and only if the tracing is in the best interests of the child

Ireland: It was reported that DNA testing is becoming more common in cases where separated children are reunited with family in Ireland.

Malta: We had two cases in which one of the parents of an unaccompanied minor arrived in Malta after them. Following the organisation's in-depth assessment to verify parenthood, the authorities were asked to revoke the care order, and the minors were reunified with their parent.

5 minors have an open application with UNHCR for family reunification in the US.

Norway: Applications for family reunification are on the increase. Europeans consists of more than half of the permits. As more people are working in Norway there is the desire to bring their family here. By the end of October 15 2007, 155 permits for family reunification had been granted. It is more than what was granted the whole of 2006. In all 13, 981 permits were granted last year. Out of the total of about 15,000 permits, 67 % are granted to women and 47 % to persons under 18 years of age.

Portugal: The tracing of parents or family of unaccompanied minors is a high priority. The search should be prompt and handled with maximum discretion to protect the family remaining in the country of origin. In Portugal, family tracing is conducted in collaboration with the Red Cross International Committee. It is required that minors are informed of the search.

In regards to reunification, the situations within the minors' countries of origin, i.e. conflicts, persecution, and violence hinder the return and reunion of the minor with their family. Therefore, the reunions are often conducted in the host country because reunions are not always possible in the country of origin.

Under Article 4 of the Asylum Law, in relation to family reunions, the privileges granted to the minor are extended through the same circumstances to the father, mother, and siblings. When it is in the minor's best interest, the family unit is extremely important.

Slovakia: If the information regarding the family member of the unaccompanied minor in another EU state is available, the 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: ISS Switzerland is at the moment in direct contact with a mother from the Democratic Republic of Congo. She has been living in Switzerland for more than five years. Her demand for asylum has been rejected. A couple of months ago, her 10-year old son arrived in the Netherlands and has been placed in a foster family. The Dutch authority asked the Swiss authorities for a family reunification in Switzerland. The Swiss authorities rejected their demand because the mother's asylum demand has been rejected and she is supposed to leave the country. The Swiss authorities are not against a family reunification of son and mother, but this should take place in their country of origin. ISS Switzerland appreciates the excellent collaboration with the NGO-network partner in the Netherlands in this complex situation. Such an example shows the importance of the NGO network within SCEP.

Return

EU: On September 12, the Civil Liberties Committee of the European Parliament voted over 200 binding amendments to a Commission proposal laying down common rules on the temporary custody and removal of illegal immigrants.

The aim of the draft directive is to eliminate significant differences in how Member States deal with the expulsion of immigrants and to establish "fair and transparent" common rules on voluntary compliance with mandatory return orders, removal orders, the use of coercive measures, temporary custody and a re-entry ban.

As regards children, again after significant discussion, the MEPs ultimately voted that unaccompanied minors should not be removed or detained and that families accompanied by one or more minors will be given separate accommodation and "only be detained as a measure of last resort". The proposed directive also deals with the living conditions of people in temporary custody, and several of the amendments seek to ensure their right to medical assistance, family unity and education for children.

The proposal will now go to the Plenary Session of the European Parliament in January 2008. At the same time, trilogue discussions have begun between the European Commission, Council and the European Parliament on the proposed Directive with an aim to reaching common ground and agreeing a Directive in the so-called first reading stage. For more information, please contact

Rebecca O'Donnell at
rebecca.odonnell@savethechildren.be

Austria: Very few cases are reported to return voluntarily.

Finland: According to the Directorate of Immigration, underage asylum seekers cannot be returned to their home countries unless their parent or a guardian is there to receive the child.

France: Once a minor has been granted access to the territory, the separated minor can only be returned if the measure is considered to be in the interest of the child, and the necessary conditions are present to ensure that upon arrival the minor will be taken care of by an appropriate service protection system in accordance with the norms of international law.

In current practice of the French authorities, nothing leads us to think that minimal guarantees are ensured. For instance, the short time frame to decide on forcible returns (less than 24 hours) and the fact that children are sometimes not returned to their country of origin but rather, to the last transitory country before arriving to France, emphasize the contrary.

Limited information from the French consular services in the country of origin prohibits sufficient guarantee. Moreover, the judge decides whether the conditions for a return are good or not for a minor. Rulings have determined that being at risk can be characterized by the conditions of return to a foreign country (Juge des enfants de Bobigny, ordonnances du 1er septembre 2001, 22 août 2004, 17 septembre 2004).

It should be noted that under the provisions for the new draft renewing the agreement between France and Romania regarding the return of minors, the judge's decision is excluded and the Prosecutor might have the ultimate decision on returning the child. This draft has not yet been approved by Parliament.

Luxemburg: Returns only occur after the youth turns 18.

Malta: Unaccompanied minors are protected from 'return' through protection by the State.

Norway: There are still a fairly small number of children being returned from Norway, but there is an ongoing political debate aiming at increasing this number.

Slovakia: International Organisation for Migration (IOM) provided only the statistics regarding the voluntary returns of all asylum seekers during the period January-November 2006 i.e. 99 voluntary returns. However, the statistics does not reveal the number of unaccompanied minors voluntarily returned to the country of origin.

Slovenia: In 2006 and 2007, 94 minors were returned to their country of origin.

Spain: Declarations made by the Equality and Social Welfare advisor of Andalusia are cause for concern. Micaela Navarro recently stated that separated children coming into Spain clandestinely do not fall under the category of disprotection according to Spanish law. For this reason, it is believed that the children should be returned to their native country, changing the concept of separated children and ignoring their reasons for leaving their own country.

With documents such as the Convention on the Rights of the Child in place, children who are at risk and disprotection must be immediately protected by the State. The Junta of Andalusia believes that such fluidity puts the system of minor protection at risk and must therefore resume the practice of repatriating 788 separated children.

Currently, the centres and residences of the autonomous communities are worrisome. Many separated children leave the centres to find another community or simply live on the street. Spanish foreign law allows a child to be repatriated so long as it is in the best interest of that child.

With regards to returns, progress has been made in recognizing the human rights violations that occur when unaccompanied children are illegally repatriated. For the first time in Spain the High Court of Justice in Cantabria admits that fundamental rights are infringed upon repatriating a minor. This goes in opposition to the Delegation of the Government of Cantabria who attempted to return a child to Morocco and in the process violated his right to moral integrity mentioned in Article 15 of the Spanish Constitution.

Separated children under the guardianship of the Government of Cantabria and at risk of being repatriated to their native country have the opportunity to ask for juridical assistance. In July, the Delegation of the Government of Cantabria and the Lawyers College of Cantabria signed an agreement claiming that juridical assistance will be given by the college lawyers in charge of Foreign Issues.

In the frame of the IX Meeting of the Permanent Hispanic-Moroccan workshop on emigration that was celebrated this July in Toledo, Moroccan authorities promised to improve the repatriation of minors who have entered clandestinely to Spain and strengthen police operatives to stop mafias. In 2006, less than one hundred minors were returned. In early 2007, Moroccans have admitted only a few dozen, according to official sources. Nevertheless, the secretary of State of Immigration and Emigration, Consuelo Rumi, announced that the Government will pressure Moroccan consulates to make a "the decisive action" in identifying the children and finding their families.

Trafficking

Czech Republic: Caritas, IOM and La Strada have launched a nationwide information campaign addressing the demand side of trafficking. The campaign aims to raise awareness among the general public – especially among potential or actual clients of prostitution.

The Czech Ministry of Interior has funded the campaign, which involves setting up two telephone hotlines (+ 420 605 988 566 or + 420 222 717 171), and three websites: www.rekni-to.cz (in Czech), www.sage-es.cz (in German) and www.say-it.cz (in English).

Denmark: After the entry of Romania and Bulgaria into the EU, the numbers of children from these countries involved in petty crime has increased significantly. The children are arriving with what they claim to be their family. For the moment Save the Children Denmark has only indications that these children are being exploited for the purpose of petty crime.

Finland: There are no new trafficking cases but a couple of cases from last year are still in the reception system of trafficked children. Alternative accommodation possibilities are being explored in order to guarantee the safety of the victims even when traffickers may try to reach them again while in Finland.

France: The border police and the Ministry of Interior justify the forcible return of minors with the "strong signal" they want to give to "traffickers" and the need to dismantle trafficking networks. They also want to demonstrate that France is not a "soft" entry point.

This argument would be credible if at the same time more resources would be put to help the victims of trafficking – the minors – and protect them from the traffickers. But in France, as the CRC report has denounced, the system of protection is non-existent or poor. If networks are not restrained in their criminal activities, it is due to the fact that the protection guaranteed by law is neither applied nor adapted to the specific situation of trafficking separated minors (i.e. creation of protection centres). Under these circumstances, returning a victim of human trafficking to the point of departure is keeping the minor under the influence of traffickers who will take the minor upon arrival and either try to send the minor once again to France or to another country.

As of September 3, 2007 a feasibility study was started whose aim is to develop concrete responses on the feasibility of reintegration of foreign unaccompanied minors who are potential victims of trafficking in their home country. Other aims include completing an analysis of the situation and migratory history of the child, responsibilities and conditions for follow-up.

Hungary: The UN Committee on the Elimination of Discrimination against Women (CEDAW) considered Hungary's sixth periodic report on July 31, 2007. Several of the concluding comments, namely, no. 17., 19., 21., 23. affect asylum-seeking and migrant girls. These comments call for proactive measures to eliminate stereotyping; to prevent and effectively manage family violence and monitor its impact; to develop and implement programs aimed at counseling girls (and boys) on educational choices, emphasizing equal opportunities and chances in the labor market; to define sexual crimes; and to define trafficking in the national legislation and related policy and plans in line with Article 3 (a) of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons and accelerate the formulation of a national strategy to combat human trafficking.

Ireland: Recent progress includes:

- The Irish government's signature of the Council of Europe Convention on Against Trafficking in Human Beings (CoE Convention) in April 2007
- The introduction of the Criminal Law (Human Trafficking) Bill 2007, which should finally bring Irish criminal law in line with international standards
- The creation of a new Anti-Human Trafficking Unit within the Department of Justice, Equality and

Law Reform exclusively dedicated to co-ordinating and facilitating the implementation of a new national strategy to address human trafficking

- The establishment of the new High Level Group on Combating Trafficking in Human Beings

the plan for the High Level Group to draft a National Action Plan to Combat Trafficking in Human Beings (NAP).

The Irish Refugee Council made a submission regarding the development of the National Action Plan, is available at:

www.irishrefugeecouncil.ie/submissions.html

Netherlands: Under current regulations, victims of human trafficking must report this crime to the police if they wish to become eligible for lawful residence in the Netherlands, the so-called B-9 arrangement. They will then be issued temporary residence permits in exchange for their cooperation pending the criminal investigation. Permits will in the future also be granted for specific cases where the police did not receive a report but where distressing circumstances are involved.

Issuing these permits must serve only a humanitarian purpose and must not result in the Netherlands becoming a more attractive country for human traffickers. The police and the Public Prosecution Service will be asked to determine whether victims have actually been victimised. Professional assistance organisations can be of help by providing objective information. A conference on the legal residence position of victims of human trafficking, to be participated in by such organisations, was scheduled for December.

Unaccompanied Minor Foreign Nationals who are at risk of falling victim to human traffickers will receive close support in secure reception facilities. By doing so, these vulnerable groups of people are protected from human trafficking networks. Where possible, the government will do its best to return these minors to their country of origin.

‘Swift Action Teams’ (SATs) will go to the countries of foreign nationals to fight the international trafficking in the people from such countries. By tackling the problem at the country of origin, the Government hopes to prevent as far as possible such vulnerable groups being flown to the Netherlands and falling victim to human traffickers in the Netherlands or other parts of Europe. Justice State Secretary Nebahat Albayrak announced this measure during a Council of Europe meeting on the Spanish Island of Lanzarote.

Norway: The Trafficking topic is increasingly on the agenda in Norway. There have been some cases lately, both in the media and in the NGO network, showing that trafficking of children is an increasing problem in Norway. Still the debate often turns out to be about grown-up women selling sex, and rarely i.e. on children forced to beg for money. NGOs constantly try to shed light on these children, aiming at broadening the debate.

Save the Children Norway does not have accurate numbers on how many children have been trafficked to our country, but there is an approximation of 40.

The Save the Children Norway internet site on trafficking is updated and provides information in 7 languages. www.hvask.no

Slovakia: There are no specific statistics regarding the trafficking of the children.

The Aliens Police 2006 Yearbook provides information about all the smuggling cases.

Spain: During the IX Meeting of the Permanent Hispanic-Moroccan workshop on emigration, an analysis was conducted on the method variation among mafias and dealers, who are using minors "to enrich themselves". To date, 381 mafias have been dismantled by Morocco, of which, 122 were involved with minors' clandestine traffic.

Switzerland: UNICEF Switzerland presented in October 2007 their report "Trafficking in Children and Switzerland" to the media. This report was written in collaboration with several NGOs specialized in children rights and trafficking. The report mentions that it is very difficult to estimate how many children have been trafficked to Switzerland but there are some cases reported. In the last couple of years, several cases are known in which adult asylum seekers arriving in Switzerland pretend that the children they arrived with are their own.

The report in French or German can be ordered via http://www.unicef.ch/de/information/publikation/en/unicef_schweiz/index.cfm

The service ECPAT Switzerland of the Swiss association for the protection of children organised in November 2007 a seminar "Trafficking in Children" for Police Officers and Social Workers. One of the aims of this seminar was to introduce a network of professionals about this topic in each canton.

UK: A new report by UNICEF UK and ECPAT UK shows that despite recent attempts to change the situation the UK Government still fails to meet the international standards on child trafficking. Besides pointing out the problems the report also suggest a number of solutions including providing each trafficked child with a guardian and with renewable residence permits.
“Right here, right now: Recommendations for protecting trafficked children” is available for download at:
www.unicef.org.uk/campaigns/publications/pub_detail.asp?pub_id=147

Children and Youth Participation

Austria: On 20th of November 2007 the SOS Clearing House Salzburg for separated children won the Children’s Rights Prize of the city of Salzburg for its educational programme, offering basic education for separated children (concluding Austrian’s basic school certificate). Children and Youth participation is the focus of SOS Kinderdorf this year.

Denmark: Save the Children Youth arranges a wide range of activities for children in the reception centers in Denmark. The youth group has published a magazine on asylum in September 2007. The magazine can be found on their website: www.redbarnetungdom.dk/Default.aspx?ID=6031&M=News&PID=15446&NewsID=2175 (in Danish only).

Ireland: Two ‘aged-out minors’ spoke at the Labour Party conference on 18th November along with the Separated Children’s Officer from the Irish Refugee Council. The work of the Dún Laoghaire Refugee Project (www.drpf.ie) was highlighted and participants passed a related motion, which is now on-line at:
www.labour.ie/conference2007/motions/detail/1194983065667528/

Italy: In December, Save the Children Italy published the report “Child Researchers”, based on the participatory research involving 7 migrant children of different ages, gender, origins and background and 2 peer educators as tutors. The child researchers interviewed 53 migrant children and adolescents and 6 children of Italian nationality. The report focuses on children and working in Rome and, in particular, seeks to understand the

characteristics of the jobs children are involved in and how children perceive their work. The report is available on the Save the Children Italy website: www.savethechildren.it

Luxembourg: A secondary school in conjunction with Caritas organized an exposition which included a film screening on the life and situation of an asylum seeker in Luxembourg.

Malta: The youth participated in an evaluation carried out by OIWAS, of the services offered at the Reception Centre.

Norway: This fall the first hearing with children addressing the Ministers at the Parliament was organized in Norway. Children who were currently seeking asylum, or who had been unaccompanied minor asylum seekers where among the children asking question to the Ministers.

Romania: To better address the needs of asylum seekers and refugees and include them in planning, another Participatory Assessment cycle was carried out by UNHCR and its NGO and Government counterparts among the population of concern living in Romania in September 2007, with the purpose of age, gender and diversity mainstreaming in the refugee protection and assistance. Refugee children and youth were included in the participatory assessment cycles. During this process, refugee children indicated that there were limited opportunities for extra-curricular activities outside the Reception Centers and proposed as a solution to identify donors and sponsorship schemes to fund this type of activities.

Switzerland: Both departments for Youth and Children Rights at Terre des hommes Headquarters want to raise the voice of the Foreign Unaccompanied Minors in Switzerland.

The project aims at guiding the young migrants to express their experience and to produce information materials and advice to the new young arrivals in Switzerland. Means of expression are up to the choice of the children.

In early November, the Tdh team met with 15 foreign minors in a reception centre to present the project. After a short plenary, the members of the Youth Department arranged informal exchanges with the minors to clarify expectations and questions from the young people. A real interest was shown by the youngsters but in the same time

trust remains to be built: the teenagers could be distrustful and shy.

The Youth Department will organise further informal activities to create a team spirit around the project. As for the expression workshop in itself, it will be the young participants who will decide on the timing and methodology to produce the information materials.

UK: The Children's Rights Alliance for England is running a programme to engage children and young people in the international reporting process for the UN Convention on the Rights of the Child. It is called "Get ready for Geneva", and aims to inform young people about their rights, engage them in the reporting process on an ongoing basis, and to support them to undertake children's rights advocacy in England to achieve real and lasting change in public policy and their lives. The project is led by children and young people, who are fully involved in its design, delivery and evaluation. It will run until March 2010.

For more information on the project visit:
<http://www.getreadyforgeneva.org.uk>

Miscellaneous

EU: International Organization for Migration (IOM) is launching a programme aimed at improving current legislation and promoting protecting the rights of unaccompanied minors arriving in Europe. The programme is funded by the European Union and involves experts and government officials from Austria, Belgium, Bulgaria, Czech Republic, Hungary and Romania.

Further information can be found at:
www.iom.int/jahia/Jahia/pbnEU/cache/offonce?e_ntryId=14830

Austria: Slow Food Wien Cooks: Barabara van Melle started together with separated children from the sponsor project "Connecting People" to cook together and to offer a multicultural catering for events. The kids cook meals of their home countries and stories are told about the background of it.

Britain: "My New Home" is a five year project following three eleven year-old immigrant children to Britain. Each year their stories are shown on British Channel 4. You can also follow their progress on the website:
mynewhome.moonfruit.com/

Denmark: Save the Children Denmark has started a preliminary investigation aimed at casting light on the needs of separated children after they have received asylum and have been placed in a municipality. This investigation is to find answers to the following questions: how can projects be formed that develop and strengthen professional efforts in relation to unaccompanied children, as well as meet the needs of the professionals for knowledge and the sharing of knowledge? How can such projects be conceived in such a manner that it includes participation of the separated children in projects with measures aimed at the children?

The preliminary investigation is to be completed by 1. May 2008, after which time it is expected that the actual project begins.

Hungary: According to the new law, children arriving in Hungary are to attend school within 3 months of their arrival, regardless of their legal status. If they are lodged in the refugee reception centers (are in the asylum-procedure), from the age of 5, they receive Hungarian lessons and school preparation provided by the Immigration Office.

§ 45.of the Gov.Act.: On request, the Immigration Office may financially help a young refugee until getting a BA or MA degree (help in paying the costs of student hostels and the material – books etc.-needed for one's studies).

The Reformed Church has an ongoing high-school integration program, including a handful of separated children. The church is paying for their accommodation in Budapest (the center where they are normally lodged is 200 kms from the capital city, with poor education opportunities), provides them with nourishment and pocket-money, and has special trainers giving extra Hungarian lessons to the youngsters

Ireland: The Commissioner for Human Rights of the Council of Europe carried out an official visit to Ireland at the end of November. He gave the keynote address at the seminar on guardianship of separated children in Cork and assessed issues related to children's rights and the treatment of asylum seekers during his visit. His recommendations are expected in early 2008. Press release is available at:
www.coe.int/t/commissioner/Activities/news2007/071130Ireland_en.asp

Spain: On July 5th in Rabat, Morocco and the autonomous government of Catalonia, north-eastern Spain, signed, a Euro-1.3 million agreement

to prevent illegal migration of minors and promote their social and professional integration.

The "Programme Catalunya Magrib" aims to ultimately fight migration through prevention and socio-pedagogical integration actions and through training.

Under this program Morocco-Catalan joint work groups will also be set up. They will be tasked with exchanging experiences regarding services and the protection of childhood, in addition to suggesting actions for children and teenagers likely to benefit from the funding of the European Union.

The Catalonia government finances this program part of the EU technical and financial program in favor of third countries in the field of migration asylum (AENEAS).

The Catalan delegation is on an official visit to Morocco on July 4-5. It includes the Secretary General for childhood, the Secretary General for immigration and the Catalan Director of cooperation.

Sweden: Save the Children Sweden has held a member-seminar with a workgroup about separated children. There were many participants and the interest among the members for the question is high. The Migration Board is holding ongoing meetings with the municipalities in order to increase the number of municipalities taking on separated children.

Switzerland: Like mentioned in the last SCEP newsletter, the directors of the Foundation Terre des hommes – Child Relief in Lausanne, the International Institute for the Rights of the Child in Sion and the Swiss Foundation of the International Social Service signed a Memorandum of Understanding with the aim of collaborating at national level on different issues concerning SC. This "Alliance for the rights of Separated Children in Switzerland" was presented to professionals who are active in the field in all parts of the country during the second seminar organised by the three organisations on the 29th of October 2007. Apart from presenting the Alliance, the topic of guardianship for SC in Switzerland was discussed during the seminar.

The alliance has many aims, some of them are:

- To intensify collaboration between the organizations and professionals active in this field;
- To promote the exchange and circulation of all information relative to MNA, with the view of improving the care of these children;

- To work with determination and vigilance for the implementation of legislation, of regulations related to administrative rules and of procedures regarding MNA, and for improved practices of the various parties involved.

You can find more information about the Alliance in English on the website of Terre des hommes – Child Relief:

http://www.tdh.ch/website/tdhch.nsf/pages/the_alliance_for_unaccompanied_minors_in_switzerland

TACT: Transnational Action against Child Trafficking (TACT) is the Terre des hommes model of action to fight child trafficking in South Eastern Europe. Created in 2001 and today implemented within four transnational axis, this comprehensive response includes coordinated activities and articulates direct intervention with capacity building. TACT provides assistance to hundreds of trafficked children and former victims, thousands of vulnerable children and their families.

Being a transnational project, TACT is searching for the support of both Governments. At the local level, the project aims at developing solid partnerships with various Local government bodies; municipalities and their child protection units, regional directories of education, regional directories of social services, anti-trafficking police units, and anti-trafficking local committees.

The goal of TACT model of action is to durably curb child trafficking thanks to the involvement of duty bearers from the State, local governance, schools and communities themselves. It builds upon a seven year experience in fighting child trafficking to contribute in a permanent response against the exploitation of children by:

Direct interventions on the street and in the communities both in countries of origin and destination, detecting suspected victims and children at risk of trafficking.

Capacity building of State and municipal duty bearers aiming at transferring skills, practices and resources.

Empowerment of the most exposed communities and establishment of community based prevention mechanisms to durably curb the phenomenon of child trafficking at their level, in partnership with community based organizations. Advocate and monitor decision making and the changes in policies regarding child protection.

Events

June 20-22, 2007, Bilbao, Spain Jornadas sobre Menores no Acompañados: análisis crítico de las políticas de intervención

(Separated Children: critical analysis of the policies of intervention) Seminar.

Organized by Harresiak Apurtuz (Organizadora de ONG de Euskadi de apoyo a inmigrantes).

September 10-11, 2007, Vienna, Austria Assistance to Trafficked Persons: We Can Do Better

Conference held by OSCE, according to whom the conference will adopt a victim-centred approach in analysing the assistance packages offered to trafficked persons within the OSCE participating States.

Information is available at the OSCE website:
www.osce.org/item/25971.html

September 12, 2007, London, UK Workshop on Independent Child Migrants: Policy Debates and Dilemmas

Held by researchers from the University of Sussex in collaboration with the Innocenti Research Centre the conference aimed to make visible the independent migration of children in a manner that enables stakeholders to discuss appropriate mechanisms of support. The independent migration of children for work and education within and between developing countries and from South to North countries is a poorly understood migration phenomenon, which nevertheless affects millions of children. This event was concerned with children who are not refugees and are not coerced or tricked into moving by third persons. For additional information go to the website:

www.migrationdrc.org/

September 18, 2007, Brussels, Belgium Launch of: Children Speak Out - Trafficking Risk and Resilience in Southeast Europe

The aim of the meeting is to present and discuss the findings of the report (mentioned at the reports section.)

For online information contact Krisztina Száraz, assistant to MEP Edit Bauer at e-mail:
edit.bauer-assistant@europarl.europa.eu

September 21, 2007, Rome, Italy Peer Education and Young Migrants

Conference held by Save the Children Italy, Gruppo Abele and Fondazione Vodafone Italia.

September 24, 2007, Dublin, Ireland

Migration Research Fair

Held by Irish based Trinity Immigration Initiative this conference brings together academics state, public sector and NGO stakeholders and migrant organisations to put forward new academic research on migration in Ireland.

For further information at the following website:
www.tcd.ie/immigration/

September 26, 2007, Austria

A training and exchange meeting with legal representatives of separated children from all over Austria took place organised by Asylkoordination with support from UNHCR.

September 27-28, 2007, Paris, France International seminar on criminal and procedural measures to combat trafficking in human beings

Organised by the Council of Europe and the French Ministry of Justice, this seminar is The Paris meeting is the ninth information and awareness seminar in the context of the Council of Europe Campaign to combat trafficking in human beings. According to Terre des hommes (TDH) this meeting aims to foster the broadest possible ratification of the Council of Europe convention.

For read the full programme go to:

www.coe.int/t/dg2/trafficking/campaign/Docs/SeminarsConf/ParisProgRev3_en.asp#TopOfPage

September 30 – October 7, 2007, Mollina, Spain 8th edition of the University on Youth and Development

The event focuses on inclusion of young refugees through volunteering by bringing together people who works with refugees, active volunteers on the refugee field and young refugees.

For additional information contact Jean-Marie Cullen of the National Youth Council of Ireland at e.mail: international@nyci.ie

October 3-4, Madrid, Spain

Situación jurídica de los Menores Extranjeros no Acompañados (Juridical and social situation of separated children) Seminar.

Organizad by CEAR, el Ilustre Colegio de Abogados de Madrid and Save the Children.

October 8-9, 2007, Porto, Portugal

Conference on Human Trafficking and Gender
Organised by the Portuguese Presidency of the EU the conference will gather experts on Gender Equality, Gender Violence and Trafficking in

Human Beings who will debate and share best practices among member states. This aims to foster the development of public policies and legislation following the European and international legislation and guidelines.

For further information go to TDH's website at: http://tdh-childprotection.org/index.php?option=com_content&task=view&id=240

October 10, 2007, Lisbon, Portugal
Presentation of the National Action Plan for Unaccompanied Minors in Portugal

October 10-11, 2007, Poitiers, France
International Conference on the Migration of unaccompanied minors in Europe: the context of origin, the migration routes, the reception system

This conference held at the University of Poitiers takes of from the notion that the institutional response to separated children coming to Europe is ambiguous: on one hand pressed by strict immigrant laws, and on the other hand entitled to the same treatment as any other children. Who does this match? The conference seeks to answer the question by bringing together researchers and practitioners.

www.mshs.univ-poitiers.fr/migrinter/index.php

October 15-16, 2007, Budapest, Hungary
Consultative meeting on access of young migrants and refugees to working life

Held by the Council of Europe the meeting will bring together members of the Parliamentary Assembly of the Council of Europe and members of European Committee on Migration with relevant players on the field.

Further information is available at:

www.coe.int/t/e/cultural_co-operation/youth/1._News/Calls_for_applications/035_Migrants_Refugees_work_en.asp#TopOfPage

October 18, 2007, Brussels, Belgium
Trafficking in human beings: Time for action

The European Commission launches the annual EU Anti-Trafficking Day. The conference aims to raise awareness and follows the conference held on the 8th-9th of October by the Portuguese Presidency.

Additional information can be found at:

http://ec.europa.eu/justice_home/news/informati_on_dossiers/anti_trafficking_day_07/index_en.htm

October 19, 2007, Vienna, Austria
Supplementary Human Dimension Meeting: Combating Sexual Exploitation of Children

Further information available at: www.osce.org/item/23205.html

October 24, 2007, Sundbyberg, Sweden
Separated Children are Children too

Seminar on the treatment of separated children in Sweden and in Europe. With a mix of speakers from researchers to practitioners, the seminar besides given a snap shot of the present situation for separated children, the seminar also seeks to answer why this kind of treatment is accepted by the surrounding society.

Further information at:

www.utanpapper.nu/sv/Fakta/Interna_artiklar/Bar_n_utan_papper_ar_ocksa_barn/

October 24-25, 2007, Bregenz, Austria Bodensee
- Conference on Children's Rights

The First Bodensee - Conference on Children's Rights took place at Bregenz, Austria. Prepared by the three Children's Rights Networks from Switzerland, Germany and Austria about 100 participants and experts discussed children's rights and the monitoring of its implementation to improve the situation of children and young people, they exchanged experiences and strategies for a better protection of children's rights.

October 25-26, 2007, Vilnius, Lithuania
Preventing Trafficking in Human Beings: Challenges and Solutions

A conference co-organized by OSCE, UNODC and the Government of Lithuania in the framework of the UN Global Initiative to Fight Human Trafficking.

www.ungift.org/ungift/en/regional_events_vilnius.html

October 26, 2007, Gjakova, Kosova
Cross border meeting for the protection of victims of trafficking

The Albanian government organizes a bilateral cross border meeting aiming at strengthening bilateral cooperation on identification, protection, and referral of victims of trafficking with the Kosovar authorities. Ms Iva Zajmi, the Albanian National Coordinator for the Fight against Trafficking in Human Beings, declares that this event is "in the frame of the increasing needs for bilateral cooperation with the neighbors (...) and in order to enhance the prompt and correct

information exchange. This meeting will be followed by others with Montenegro and Greece".

October 29-30, 2007, Dolj region, Romania
[Romania-Italy] Exchange of experience on addressing child exploitation between social workers

A high number of Romanian children exploited in the streets of the Italian capital are from the city of Craiova (read the initial report "An Increase in Prostitution among Romanian Minors in Rome"). The objective of this exchange is to better understand the conditions in the places of origin and of destination, in order to improve prevention and protection schemes.

Additional information can be found at:

http://tdh-childprotection.org/index.php?option=com_content&task=view&id=309

November 7, 2007, Brussels, Belgium
Public Hearing on the Future of the Common European Asylum System

The European Commission held a public hearing on the Common European Asylum System marking the end of the public consultation on the Commission's Asylum Green Paper issued in June.

Commissioner Frattini's speech contained a number of key messages noting that fairer procedural safeguards are needed via simpler and clearer mandatory rules. He also emphasised the need for better protection for vulnerable groups: children, women, victim of torture; the Commission's objective is to identify areas where we can improve support and protection. His speech is available at http://ec.europa.eu/commission_barroso/frattini/webroot/news/default_en.htm.

Other speakers included Erika Feller of UNHCR, Philippe de Bruycker (Law Professor) Bjarte Vandvik (ECRE), Justin Russell (Director of Asylum Policy Agency UK and Carin Bratt, Department for Migration and Asylum Sweden). All presentations will be made available on the Commission website. Participation in the event was limited to 280 or so participants, in large part, comprising civil society representatives as opposed to Member State institutions.

November 13, 2007, Ljubljana, Slovenia

The training for future volunteers working in the field of migration, asylum and separated children was organised and implemented by Slovene Philanthropy. The total number of participants was 6.

November 19-23, Rome, Italy

[Romania - Italy] Exchange of experience on addressing child exploitation between social workers

Six Romanian social workers will visit the protection facilities in Rome, Italy. This transnational exchange is supported by OCSE-ODIHR and implemented by Save the Children Italy (lead agency of 'Girotondo' project) and the Delegation of Terre des hommes in Romania.

Program included workshops focusing on trafficking and exploitation of children from Romania, including Roma. The model of intervention of the Centre for child begging was presented to the participants as well as a workshop on trafficking and exploitation of adolescents from Romania in sexual activities.

For further information see:

tdh-childprotection.org/index.php?option=com_content&task=view&id=309

November 20, 2007, Warsaw, Poland

The 2007 Council of Europe Koczak Lecture

Thomas Hammarberg, Commissioner for Human Rights gives a speech on the importance of children and letting their voices be heard.

November 22-23, Seville, Spain

La protección jurídica y social de los Menores Extranjeros no Acompañados en Andalucía (The juridical and social situation of the Separated Children in Andalucía) Seminar.

Organized by Save the Children with the support of Junta de Andalucía.

November 26-27, 2007, Opatija, Croatia

Law on Asylum: new legal institutes, accordance with the international law, and possible problems in implementation.

Seminar for the police, social services, judges from minor offences courts, NGOs.

Organisers: UNHCR and Ministry of Interior

November 27-29, 2007, Vienna, Austria

International Conference against Human Trafficking

Conference on the 10 goals proposed by Save the Children, Amnesty International, Anti-Slavery International and the Global Alliance Against Traffic in Women as a part of the Global Initiative to Fight Human Trafficking.

www.unis.unvienna.org/unis/pressrels/2007/uniscp542.html?print

November 28, 2007, Cork, Ireland

Models of Guardianship: Protecting Migrant Children

The Irish Refugee Council and the Centre for Criminal Justice and Human Rights at University College Cork organized a seminar to discuss issues of guardianship and comparative measures to improve practices. Speakers included the Commissioner for Human Rights.

November 28-30, 2007, Hanover, Germany

Biannual Conference of the Federal Association for Unaccompanied Minor Refugees

Main topics were: The criteria and legal aspects of Dublin II and the implementation in other EU countries; The situation of unaccompanied minors in initial reception centres; Education opportunities beyond school for minor asylum seekers; Implementation of the amendments of the Youth Welfare Act: Examples from Baden-Wuerttemberg and Lower Saxony; New regulations of the Residence Act.

Further information available under www.b-umf.de and per e-mail (info@b-umf.de).

Subsequent to the conference a reader will be published.

December 11, 2007, Brussels, Belgium

EURONET Training Day on children's Rights in the EU and The EU Presidencies

December 13, 2007, Rome, Italy

International Anti-Trafficking Conference

Events included in the conference: The concluding Conference of the 24-months European AGIS project, "Development of a child rights methodology to identify and support child victims of trafficking" and the presentation of 2 publications on trafficking in human beings, produced in Italy within the European Equal Project "Osservatorio Tratta"

January 17-19, 2008: Brussels, Belgium

A group of lawyers and members of children rights organisations have created an 'Opinion Court', to judge the Belgian state for detaining foreign children in closed detention centres. The court will be chaired by a jury of eminent personalities and children. More information: bruxelles@sdj.be

January 28-29, 2008, Madrid, Spain

Child Trafficking: How to improve victim identification and protection

A conference organized by Save the Children Spain.

April 9-11, 2008, Cork, Ireland

Children and Migration: Identities, Mobilities and Belonging(s)

This conference aims to focus on children's own experiences and perspectives of migration, diaspora and transnationalism. The organisers welcome papers exploring a wide variety of issues concerning these issues.

Information is available online at:

<http://migration.ucc.ie/children/2008conferenceca11.html>

Publications

Access to Quality Education by Asylum Seeking and Refugee Children, Poland Country Report

Published by the UN Refugee Agency Europe, the report aims to raise awareness on the gap between 'native children' and refugee children when it comes to education.

Available for download at:

www.forummigracyjne.org/files/36/education-report-PL2007.pdf

Alternative Report: Following the Initial Report from France on the Implementation of the OPSC

This report provides supplementary information on France's initial report on the implementation of the OPSC. This report focuses specifically on the implementation of the OPSC in the area of the commercial sexual exploitation of children. It highlights the improvements that are required in this domain, including: strengthening situation analysis and coordination of actors, reinforcing the application of legislation, improvements in the care of child victims as well as the protection of foreign minors who are isolated.

Available for download at:

www.crin.org/resources/infoDetail.asp?ID=14359&flag=legal

Asylum in the European Union – A Study of the Implementation of the Qualification Directive

Launched in Brussels by UNHCR on 6 November, the research examines the legal impact of certain provisions of the EU Asylum Qualification Directive in 5 selected Member States: France, Germany, Greece, Sweden and Slovak Republic, which together received nearly 50 percent of all asylum applications in the EU last year. Key conclusions of the Report are that, one year after

the deadline for EU Member States to comply with the Qualification Directive (2004/83/EC), there remain wide divergences of interpretation on key issues, such as non-state actors of persecution of serious harm, internal protection alternative, actors of protection and qualification for subsidiary protection. For this reason the study includes recommendations to the Member States.

Children Speak Out - Trafficking Risk and Resilience in Southeast Europe

On September 18, 2007, Save the Children launched a new research study which presents children's perceptions of risk and resilience in regard to trafficking. The research project which started in March 2005 and ended in June 2006 is a qualitative, child-centered and participatory field based research conducted in seven countries/entities in Southeast Europe.

In general, the report reflects children's feelings, fears, daily experiences and their views on the violence and exploitation that trafficking victims are facing. They make a list of recommendations that could help improve their security and provide better protection. Recommendations focus on children's rights, education, employment, poverty, migration, marriage, institutions (orphanages) and shelters. As a general conclusion, anti-trafficking messages and the interventions should be based on children's perceptions, enhance children's strengths, develop their decision making skills and help them to develop survival strategies in situations that might put them at risk of trafficking.

The report is available at www.savethechildren.net/alliance/where_we_work/europegrp_pubs.html

For more information, please contact Besnik Kadesha, Regional Information Coordinator at BesnikKadesha@savealbania.org

ENOC Annual Meeting Report – Athens 2006

The European Network for Ombudsmen for Children has launched a comprehensive conference report from their annual meeting in 2006.

www.ombudsnet.org/resources/infoDetail.asp?ID=13697&flag=report

European Union Discusses a Strategy for Children's Rights

Conference report from the European Forum on the Right of the Child, held in Berlin on June 4th.

For the report and information on the conference:

www.ombudsnet.org/resources/infoDetail.asp?ID=13742&flag=report

Conference Report on trafficking in human beings – including separated children

This report refers to the 4th meeting of the National Contact Points on Unaccompanied and Trafficked Children and National Coordinators in the cooperation on Children at Risk conference held in Warsaw in May 2007.

The report can be downloaded at this website:

www.childcentre.info/contactpoints/ncpmeetings/dbaFile14814.html

Handbook on planning projects to prevent Child Trafficking

Focusing on preventing child trafficking the handbook published by Terre des hommes is for a variety of people from NGO's, inter-governmental organisations and policy makers in government.

Download available from:

www.childtrafficking.com/Content/Library/?pg=1&CID=f2217062e9a397a1dca429e7d70bc6ca|525c55

Les mineurs étrangers isolés in rapport DEI-France 2005_2006 (Juin 2007)

Bonnet-Cogulet F.

[http://www.dei-france.org/rapports/2005-](http://www.dei-france.org/rapports/2005-2006/Chap_4.3_Mineurs_Etrangers_Isol%E9s.pdf)

[2006/Chap_4.3_Mineurs_Etrangers_Isol%E9s.pdf](http://www.dei-france.org/rapports/2005-2006/Chap_4.3_Mineurs_Etrangers_Isol%E9s.pdf)

Lettre ouverte aux parlementaires sur le nouvel accord franco roumain (nov 2007):

[http://www.dei-](http://www.dei-france.org/documentsautres/2007/Lettre_d%E9put%E9s_Accord_franco-roumain.pdf)

[france.org/documentsautres/2007/Lettre_d%E9put%E9s_Accord_franco-roumain.pdf](http://www.dei-france.org/documentsautres/2007/Lettre_d%E9put%E9s_Accord_franco-roumain.pdf)

Like Any Other Child? Children and Families in the Asylum Process

John Reacroft

The children's charity Barnardo is calling for asylum seekers to be given the right to work, so they can lift their children out of poverty. The Barnardo's report cites the appalling conditions experienced by asylum seeking families in the UK who are awaiting decisions on their claims – in some cases for up to ten years. It highlights the shocking disadvantages asylum seeking children are forced to endure, living in families with incomes significantly below, already modest, normal benefit levels; living in damp and unsafe housing; often suffering aggressive racial abuse and frequently having to change schools. On top of all that, asylum seekers also live with terrible uncertainty for years on end, which can create an

unbearable environment for children. Some children face deportation to countries they can't remember or might never have lived in. Available at: http://www.barnardos.org.uk/news_and_events/media_centre/like_any_other_child_asylum_report08_summary.pdf

Listening to Victims

Aiming to improve the work done by organisations and different actors against trafficking in South-Eastern Europe this study gives voice to victims of trafficking in the area. Conducted by a team of researchers, coordinated by Rebecca Surtees of the Nexus Institute, the study is available in a number of languages.

To order a copy, please contact Ms Mariyana Radeva of International Centre for Migration Policy Development (ICMPD), at e-mail: mariyana.radeva@icmpd.org

Mineurs étrangers : le cas roumain in JDJ N° 269

Auzou B. et Rongé JL (nov 2007)
www.droitdesjeunes.com

Mineurs étrangers non accompagnés en Belgique – Situation administrative, juridique et sociale

Edited by Charlotte van Zeebroeck,
Editions Jeunesse et droit, Liège. 765 pages.

The Nature and Extent of Trafficking of Women into Ireland for the Purposes of Sexual Exploitation, 2000-2006: A Report from Findings (2007),

by Eilís Ward and Gillian Wylie
Available at National University of Ireland, Galway:
<http://www.nuigalway.ie/ssrc/>

Observations of the CRC in France concerning the respect of the optional protocols to the Convention of the United Nations on the rights of the child (October 2007)

<http://www2.ohchr.org/english/bodies/crc/crcs46.htm>

Rapport IGAS, mission d'analyse et de proposition sur les conditions d'accueil des mineurs isolés étrangers en France

par Jean Blocquaux, Anne Burstin, Dominique Giorgi, membres de l'inspection générale des affaires sociales, rapport n° 2005 010, Janvier 2005

lesrapports.ladocumentationfrancaise.fr/cgi-bin/brp/telestats.cgi?brp_ref=054000285&brp_file=0000.pdf

Situación y tratamiento de los menores extranjeros no acompañados en Europe

By Daniel Senovilla Hernández, published by Observatorio Internacional de Justicia Juvenil. 53 pages.

The Situation of Unaccompanied Minors in Portugal: characteristics and recommendations: Portuguese Refugee Council, 2007

Terre des hommes – Child Relief in Lausanne

A Report on Separated Children

“Les mineurs non accompagnés en Suisse – exposé du cadre légal et analyse de la situation sur le terrain.” The author, Mrs. Martine Lachat Clerc, legal advisor and MAS in Children's Rights, coordinates very actively the new Alliance for the rights of Separated Children in Switzerland. This excellent report – at the moment available in French - can be downloaded from the homepage of Terre des hommes – Child Relief:

http://www.tdh.ch/website/tdhch.nsf/pages/the_alliance_for_unaccompanied_minors_in_switzerland

Unaccompanied Children (Manual) in progress
Publisher: Ombudsman for Children

Undocumented Migrants Have Rights!

Conference report from workshop held by PICUM and Migrants Rights International (MRI) on 30 March 2007. The workshop dealt with the international human rights framework and its application to undocumented migrants.
Document available from: www.picum.org

UN Study on Violence against Children

Professor Paulo Pinheiro, the Independent Expert of the UN Secretary General on Violence against Children, with the support of the Inter-Agency Group (UNICEF, WHO; OHCHR, ILO and the NGOs), is in the process of writing his report to the General Assembly, according to the mandate that he received last year.

Available for download at:
www.ombudsnet.org/docs/UN_SG_Vio_Rev.pdf

“Unwelcome Responsibilities” Spain’s Failure to Protect the Rights of Unaccompanied Migrant Children in the Canary Islands. Human Rights Watch. July 2007. Volume 19, No. 4(D).

A lot of questions are being asked in regards to the way Spain is dealing with unaccompanied migrant children on the Canary Islands. Human Rights Watch has made a report on this issue which reveals poor conditions so say the least.

The report is available in English and Spanish at: <http://hrw.org/reports/2007/spain0707/>

You could Always Begin by Listening to Us

This rapport voices an answer to the European Commission’s Communication entitled “Towards a European Strategy on the Rights of the Child” – from children all over Europe. Up to one thousand children completed the questionnaires on which the rapport is based. Amongst other things the children highlighted violence against children, discrimination and child trafficking as main problems needed to be dealt with.

The report is made by International Save the Children Alliance-Europe Group and available for downloading by:

www.europeanchildrensnetwork.org/eurodet/resources/infodetail.asp?id=13816

3ème et 4ème rapport périodique de la France au CRC pages 99 à 105 (sept 2007): <http://www2.ohchr.org/english/bodies/crc/crcs50.htm>

Useful websites

http://www.ncb.org.uk/Page.asp?originx568rv_1694188592191r82b32867289

ARC, the Asylum Seeking and Refugee Children: Developing Good Practice Project website, is a new online resource from NCB aimed at practitioners and managers from: Children's services, Education, Foster care, Health sector, Refugee community sector, Residential care, and the Voluntary sector. ARC has been produced in collaboration with local authorities, academic practitioners, voluntary agencies and community groups. It offers a wide range of materials on key issues in the field.

www.crin.org/bcn/

The Better Care Network (BCN) was established in 2003 by among others, UNICEF and Save the

Children UK. BCN brings together organisations and individuals concerned about children without adequate family care. The web site contains news, publications and other information.

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=links>

UNHCR's Refworld website has added a collection of external weblinks. This database with external weblinks is a directory of organizations that deal with refugee, asylum and human rights topics, or that provide (country-specific or thematic) information otherwise useful for practitioners. The directory contains over 2000 links to relevant internet sources and has been compiled and organized by type of organization, topic/mandate, regions and countries they relate to.

<http://www.cnpcjr.pt/>

National Committee for the Protection of Children and Youngsters at Risk

www.dei-france.org/

Défense des enfants international (DEI-France)

www.anafe.org

Association nationale d'assistance aux frontières pour les étrangers (Anafé):

www.infomie.net

Comité PECO

<http://tdh-childprotection.org/>

This new website by Terre des hommes primarily for the child protection specialists in Europe. The site contains a number of activities from news, publications, podcasts to a newsletter service.

Reporting organisations

Association nationale d'assistance aux frontières pour les étrangers (Anafé), France
Asylkoordination Österreich, Austria
Bulgarian Helsinki Committee-Refugees and Migrants legal Protection Programme
CARITAS, Luxemburg
CSPI (Centre for Social Policy Initiatives), Croatia
Défense des enfants international (DEI-France)
Defense for Children International , Belgium
Don Bosco Refugee Association, Austria
Federal Association for Unaccompanied Minor Refugees, Germany
STV (Foundation against Trafficking in Women), Netherlands
General Directorate for Social Assistance and Child Protection Maramures, Romania
Irish Refugee Council
Menedék, Hungary
OIWAS – Organisation for the Integration and Welfare of Asylum Seekers, Malta
Portuguese Refugee Council (PRC)
Platform Minors In Exile, Belgium
Refugee Council Children's Panel, United Kingdom
Romanian National Council for Refugees (CNRR)
Save the Children Brussels
Save the Children Denmark
Save the Children Italy
Save the Children Norway
Save the Children Romania

Save the Children Spain
Save the Children Sweden
Save the Children United Kingdom
Service droit des jeunes, Belgium
Slovak Humanitarian Council
Slovene Philanthropy
Swiss Foundation of the International Social Service
The Central Union for Child Welfare, Finland
UNHCR Austria
UNHCR Belgium
UNHCR Germany
UNHCR Hungary
UNHCR Ireland
UNHCR Romania
UNHCR United Kingdom

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www.separated-children-europe-programme.org

Statistics on arrivals of separated children seeking asylum in Europe by December 2007

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

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin 2007	Source
	2006	2007	2006	2007				
Austria	488 (A)	472 (A) (as of Oct 31)	435 ¹ (14-18)	440 ² (14-18)	N/A	N/A	Russian Fed. (33), Afghanistan (66), Moldau (63) Somalia (39)	Federal Ministry of Interior
Belgium	441	N/A	16 years old: 105, 17 years old: 172	N/A	N/A	N/A	Afghanistan, D.R. Congo, Guinea, Russia, Angola	CGRA : Commissari at général aux réfugiés et apatrides
Bulgaria	73	21	73	20	8	0	Afghanistan, Bangladesh, Stateless, Iran, Iraq, Nigeria	State Agency for Refugees
Croatia	1	10 (E)	N/A	N/A	2006: 0 2007: 10	2006: 1 2007: 0	Montenegro, India, Sri Lanka, Russian Federation	Ministry of Interior (Reception centre for asylum seekers)
Denmark	107 (A)	76 Jan- Oct	83 (77.6%) (A)	N/A	2006:96 (90%) (A) 2007: NA	2006: 11 (10%) (A) 2007:	2006: Iraq, Iran, Afghanistan, Nigeria 2007: Iraq, Afghanistan	Danish Immigration Service
Estonia	0(A)	0 (A)	0	0	0	0	N/A	Ministry of Internal Affairs, Citizenship and Migration Board
Finland	108	75 (Oct) 90-100 E in '07	76	80% (E)	2006: 76 2007: 73%	2006: 30 2007: 27%		

¹ 2006: 435 is the number of asylum seekers recorded as SC (older than 14 years). In 74 cases the authority responsible for the asylum procedure did not believe the age claimed by the asylum seekers and declared them as adults. So the official number for SC between 14 and 18 years of age is 361. Another 53 SC were recorded as being younger than 14 years at the time of application.

² 440 is the number of asylum seekers recorded as SC (older than 14 Years). In 49 of these cases the asylum authority did not believe the age claimed by the asylum seekers and declared them as adults. So the official number for SC between 14 and 18 years of age is 391. 32 SC are reported as being younger than 14 years at the time of application. (as of 10/31/07)

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin 2007	Source
	2006	2007	2006	2007				
France	158 (A)	N/A	N/A	N/A	N/A	N/A	Democratic Republic of Congo Angola (more than 50%) Turkey Sri Lanka Guinea-Conakry Moldova Russia	Anafe, based on the data of the "Direction Centrale de la Police aux Frontieres du ministere de l'interieur" ³
France (In Waiting Zones)	607 (A) ⁴	377 (A)	In Roissy 413 (80%) were older than 13	N/A	2006: 334 2007: 208 (as of 31/07/07)	N/A	TBD	3 rd & 4 th Periodic Report France to CRC (Sept 2007)
Germany ⁵	186	146 (under 16 only)	N/A	N/A	not yet received	not yet received	Ethiopia (9), Iraq (13), Eritrea (13), Guinea (9), Afghanistan (7)	Federal Office for Migration and Refugees
Hungary	61 (A)	65 (A)	61 (A)	65 (A)	2006: 52 (A) 2007: 62 (A)	2006: 9 (A) 2007: 3 (A)	Somalia, Afghanistan, Pakistan, Zimbabwe, Liberia	Office of Immigration and Nationality (OIN)
Ireland	N/A	118 (1 Jan-30 Apr 2007)	N/A	N/A	N/A	N/A	N/A	Sanctuary newsletter from the Refugee & Migrant Project of the Irish Bishops' Conference
Italy ⁶	6551 (E)	N/A	4782	N/A	85 %	15 %	Romania, Morocco, Albania	Committee on Foreign Minors (Ministry of Social Solidarity)

³ For the year 2005, based on the 2007 report of France to the U.N. Committee for the Rights of Children (CRC). The Ministry of Interior (Home Office) does not provide this data.

⁴ It seems that the Ministry of Interior deduces children who have been declared adults by the administration (on the basis of age assessment/bone age tests) To illustrate this, while 604 children who claimed to be minors when entering the waiting zone in Roissy airport in 2006, 89 (15%) were declared to be young adults, leaving 515 minors in official statistics

⁵ 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.

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin 2007	Source
	2006	2007	2006	2007				
Luxemburg	N/A	N/A	10	3	2006:9 2007:1	2006:1 2007: 0	Nigeria Gambia Algeria	Caritas Refugees Office, Passe- partout
Malta	N/A	N/A	57 (A)	47(A)	2006: 48 2007: 40	2006: 9 2007: 7	Somalia, Eritrea, Ethiopia	Admissions to the reception centres
Netherlands	N/A	N/A	2006: 430 (A)	Jan- April 2007: 204	N/A	N/A	Somalia, Iraq, Afganistan, Guinee, India	IND (Immi. and nat office)
Norway	349 (A)	222 (Jan- Sept) (A)	290 (A) 90%	90% (E) as of 31/0 8	2006: 275 (A) 80% 2007: 80% (E)	2006: 74 (A) 20% 2007: 20% (E)	Somalia, Iraq, Afghanistan,	The Norwegian Directorate of Immigration (UDI)
Portugal	0	7	0	7	6	1	Afghanistan, Guiné-Conakry, Ghana and Somalia	PRC
Romania	9 ⁷	22	9	22	2006: 13, 2007: 21	2006: 1, 2007: 1	Somalia, Iraq, Serbia Somalia, Russian Federation	Directorate for Asylum and Integration DGASPC MM, Save the Children, UNHCR
Slovakia	138 (A)	152 (A)	N/A	N/A	2006: 130 2007: 152	2006: 8 2007: 2	India, Moldova, Pakistan, Bangladesh China	Migration Office of the Ministry of Interior
Slovenia	26 E	30 E	24	27	2006: 26 2007: 27	2006: 0 2007: 3	Albania, Serbia (Kosovo), Turkey, Afghanistan	Slovene Philanthrop y
Sweden	820	1141 *by end of Nov	685	933 (15- 17 yrs)	2006: 645 2007: 904	2006: 645 2007: 237	Iraq Somalia Afghanistan	Migration Board

⁶ Official data refer to separated children present in Italy in 2006 and are given by the Committee on Foreign Minors. Nonetheless, it is presumed that the number is in fact underestimated, mainly because official statistics are not inclusive of separated children seeking asylum and separated children who have never been in touch with any Italian institution. It is important mentioning as well that official data on asylum applications in Italy do not specify the age of the applicant. In light of the above, it is not possible to give data on separated children seeking asylum.

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin 2007	Source
	2006	2007	2006	2007				
Switzerland	257	N/A	233	N/A	2006: 208 2007: N/A	2006: 49 2007: N/A	Iraq, Ivory Coast, Afghanistan, Eritrea, Somalia	Federal Office for Migration
UK	3460	705 (1 Jan – 31 Mar)	3232	547	2006: 2676 2007: 580	2006: 764 2007: 124	Afghanistan Iraq Iran Somalia Eritrea	Refugee Council Children's Panel
Total arrivals of 20 countries	2006: 13,840	2007: 3,639						

Statistics on trafficked minors in Europe by December 2007

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

Country	2006	2007 (Provis.)	Age group 15-18 years	Males	Females	Main countries of origin	Source for statistics
Denmark	7 ⁸	0 (A)	2006: 7 2007: N/A	2006: 2 2007: N/A	2006: 5 2007: N/A	Nigeria, Lithuania, Slovakia, Bulgaria	Save the Children Denmark ⁹
Croatia	2 (A)	0 (A)	2006: 1 (A) 2007:	2006: 2007:	2006: 2007:		Governmental Office for Human Rights
Finland	3	0	2006: 3 2007: 0- no new cases	2006: 0 2007: 0	2006: 3 2007: 0	China	The Reception Centre of Oulu
Netherlands	103	38 (as of June)	2006: 93 2007: 29	2006: 5 2007: 1	2006: 98 2007: 28		STV

Finland: In addition to this, there are a couple of cases where the age of the victims of trafficking is not fully clear but they are placed into a reception centre for adult victims of trafficking. It is also estimated that minors are trafficked through Finland possibly to other European countries.

Slovakia: In 2006 serious suspicion of victimisation by human traffickers occurred in three cases of females from Bosnia and Herzegovina and Serbia (Kosovo), age 14, 17 and 18. All girls were returned to their country of origin

UK: No national statistics on trafficking are collated. Research undertaken by Save the Children and ECPAT in 2006 identified 80 reported cases of known or suspected victims of trafficking in 5 Local Authorities in England. See “Missing Out” as mentioned in the section publications.

⁸ “Assumed Victims of Trafficking”.

⁹ Inger Backer Neufeld and Caspar Strand, “Red Barnets rapport om handel med børn i Danmark 2006 – kortlægning og praksis”, 2007.