



## Separated Children in Europe Programme

# NEWSLETTER No. 28

## January - June 2007

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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

#### Conference on children in migration

On March 20-21 the conference 'Focus on Children in Migration - From a European Research and Method Perspective' was held in Warsaw, Poland. It was co-organised by Save the Children Sweden, the European Network of Masters in Children's Rights and the Separated Children in Europe Programme. The conference brought together academia, NGOs and practitioners, addressing a range of issues concerning the situation of children in migration and facilitating discussions and exchange among the more than 100 participants.

A conference report has been published and is available at [www.separated-children-europe-programme.org/separated\\_children/publications/reports/index.html](http://www.separated-children-europe-programme.org/separated_children/publications/reports/index.html)

#### SCEP NGO Network meeting and joint meeting with UNHCR

On March 22 the SCEP NGO Network met in Warsaw. A part of the meeting involved the Network in an external review that was being undertaken, including self-assessment of programme achievements and lessons, discussing network characteristics and dynamics and identification of key issues and priorities for the strategic planning. The meeting also had a presentation and discussion of the draft position papers on Anti-Trafficking and Age Assessment.

On March 23 a joint meeting with the SCEP NGO Network and UNHCR SCEP Focal Points took place. The meeting informed on and discussed ongoing activities regarding education, age assessment, use of BID guidelines, the Daphne

project and mapping of guardianship and also addressed future priorities and possible co-operation for the SCEP Strategy Planning Process.

### **Daphne project on Networking with Youth**

In the start up phase of the project 'Networking with Youth to Combat Violence against Separated Children' Terry Smith has been contracted to undertake research of the SCEP NGO Network's experience with youth participation, do a mapping of organizations of separated, unaccompanied and migrant children in different countries across Europe and compile materials available in a child-friendly format that provide information on rights and services, as well as procedures that affect separated children. Terry Smith will also assist in preparing and facilitating the project's first seminar, with the SCEP NGO Network on the research findings and recommendations for future action, as well as the final seminar.

Simone Bommeljé and Yvonne van 't Oever have been contracted to undertake the outreach and support to separated children and youth to define and facilitate establishing of a youth forum. They will assist in preparing and facilitating a workshop with the emerging youth and, afterwards, facilitate consultation with the youth forum to select theme and frame for a seminar which they will also assist in preparing and facilitating.

An Advisory Board for the project is being established and will consist of the project manager, Lise Bruun, the three consultants and three young people who have arrived as separated children. The board will have its first meeting before the holiday season.

### **Review and Strategy Planning**

A review of the Separated Children in Europe Programme has been undertaken by the external consultant Hanne Lund Madsen. The review will feed into a Strategic Planning Process that has now been started by the programme's Steering Committee, scheduled to be finalised and transition to be in place by August 2008.

### **SCEP management**

Programme Manager Jyothi Kanics ended her contract by March 31 and Lise Bruun has taken the role as Programme Co-ordinator. A student, Andreas Sommer Møller, has been contracted temporarily on part time basis to assist.

The Steering Committee's conclusions on the future management and co-ordination of the SCEP are expected before the summer.

### **Changes with NGO partners & UNHCR**

**Ireland:** New SCEP NGO contact person at the Irish Refugee Council is Jyothi Kanics, e-mail: [jyothi@irishrefugeecouncil.ie](mailto:jyothi@irishrefugeecouncil.ie)

**Portugal:** New SCEP NGO contact person at the Portuguese Refugee Council is Monica Frechaut, e-mail: [monica.frechaut@cpr.pt](mailto:monica.frechaut@cpr.pt)

**Slovak Republic:** New SCEP NGO contact person at Slovak Humanitarian Council is Katarina Ilanovska, e-mail: [katarina.ilanovska@gmail.com](mailto:katarina.ilanovska@gmail.com)

New UNHCR Focal Point in Slovakia is Peter Kresak, e-mail: [kresak@unhcr.org](mailto:kresak@unhcr.org)

**UK:** New SCEP NGO contact person at Save the Children UK is Jessica Nott, e-mail: [J.Nott@savethechildren.org.uk](mailto:J.Nott@savethechildren.org.uk)

**UNHCR headquarters:** Senior Regional Adviser Malika Floor has ended her post at the HQ and until a replacement starts Liv Feijen will undertake the co-ordination on an interim basis. E-mail: [Feijen@unhcr.org](mailto:Feijen@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](http://www.separated-children-europe-programme.org/separated_children/about_us/contacts/index.html)***

## **UNHCR**

UNHCR has distributed the first draft of the text for this year's **Executive Committee Conclusion on Children at Risk**. The Conclusion is intended to be used to shape UNHCR policy and can also be used as an advocacy tool with UN Member States. The current draft sets out fundamentals of child protection, some of the factors for identifying children at risk, as well as elements for a child protection system. The Geneva office added substantial input to the NGO Statement on Children at Risk presented by ICVA during the March meeting of the UNHCR Standing Committee.

The first meeting to discuss the draft Conclusion is on June 5, where NGOs will have their sole opportunity to officially present comments to the Executive Committee members to influence the

ensuing discussion. After this, all NGO lobbying will have to be done bi-laterally with member states. Subsequent informal preparatory meetings of the ExCom members to discuss this conclusion will take place on 21 June, 12 July and 4 September. The final version of the Conclusion is expected to be adopted during the ExCom meeting in October.

## European Union

### **The European Commission publishes an overview of ongoing and imminent actions in the field of migration**

On May 14, the European Commission published a memorandum which provides an overview of next actions in the context of its “Comprehensive European Migration Policy”. The memorandum summarizes the political framework within which the EU’s migration policy operates, before describing a broad range of the diverse actions which are ongoing or planned for the short to mid term. The sweep of upcoming initiatives will have a significant impact on the way in which Member States will respond to and manage migration, including issues affecting separated children.

The Commission stresses its specific aim of achieving a balanced presentation of proposals looking across: asylum issues; border control and the fight against illegal migration; legal migration and integration and the external dimension of migration and asylum. Below a summary of the next steps for the Commission.

#### A Common European Asylum System

The Memorandum describes how, in June 2007, the Commission will publish a Green Paper intended to trigger a thorough debate on what is needed to further develop the Common European Asylum System. This has just been published on June 6 and the Commission further intends to publish a policy plan on asylum, informed by this debate, at the beginning of 2008 which should in turn allow for the presentation of proposals for second stage instruments before the summer of 2008. The Green Paper can be found at:

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/229&format=HTML&aged=0&language=EN&guiLanguage=en>

In parallel, the Commission continues its evaluation of the first phase instruments.

#### Border Control and the Fight against Illegal Migration

At the end 2007/beginning 2008, the Commission will report on the evaluation of FRONTEX (reviewing the future mandate of the Agency) and report on the possible establishment of an entry/exit system allowing for registering all movement at the external borders combined with a registered travellers scheme to speed up border crossings for frequent travellers. The Commission will also be providing the Council with suggestions on how to move to a European system for surveillance of external borders in autumn 2007. The lifting of internal border controls with those Member States acceding in 2004 should occur by the end of 2007/Spring 2008. By the end of 2007, the Commission should present a proposal supplementing the Schengen evaluation mechanism. The Commission is also targeting the so-called “pull” factors for illegal immigration, by intensifying its efforts to reduce the informal economy. To that end it has just introduced a proposal for a Directive on sanctions against employers of all illegally staying third country nationals. It also continues to work on agreeing common standards and procedures for the return of illegally-staying third country nationals and on negotiating and concluding re-admission agreements with third country nationals.

#### Legal Migration and Integration

In September 2007, the Commission plans to present two legislative proposals for legal migration (a directive on conditions of admission to the EU for highly skilled workers and a directive on the rights of legal immigrants in employment) as well as presenting its third annual report on Migration and Integration. (Earlier in May, the Commission launched its second edition of the Handbook on Integration for policy-makers and practitioners.)

#### The External Dimension of Migration and Asylum

The EU acknowledges the necessity for ongoing dialogue and close cooperation with third countries and its current first stage focus is on Africa. A number of EU-Africa ministerial conferences have taken place and will take place alongside other forms of dialogue and working groups. The Commission launched two communications on May 16 intended to strengthen ongoing cooperation: (a) on circular migration and mobility partnerships between the European Union and third countries and (b) applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union.

## Council of Europe

**The Council of Europe Convention on Action against Trafficking in Human Beings** was ratified by Bulgaria on April 17 and by Ireland on April 13. Three more ratifications are necessary in order for the treaty to enter into force.

The European Committee on Crime Problems will examine the opinion of the **Parliamentary Assembly on the draft text of the Convention on the protection of children against sexual exploitation and sexual abuse** from 18-21 June 2007, before sending the latter to the Committee of Ministers for adoption. The Convention represents a major step forward in child protection.  
[www.crin.org/docs/CoE\\_Sexual\\_abuse.pdf](http://www.crin.org/docs/CoE_Sexual_abuse.pdf)

### The Commissioner on Human Rights

Following an official human rights assessment visit to Austria, Commissioner Thomas Hammarberg hold a press conference in Vienna claiming that the Austrian government would need to improve the treatment of asylum seekers and migrants. See: [www.coe.int/t/commissioner/Activities/news2007/070529Austria\\_en.asp](http://www.coe.int/t/commissioner/Activities/news2007/070529Austria_en.asp)

The Commissioner has also presented memoranda on Latvia, Lithuania and Sweden. Information at: [www.coe.int/t/commissioner/Activities/news2007/070516memoranda\\_en.asp](http://www.coe.int/t/commissioner/Activities/news2007/070516memoranda_en.asp)

## Committee on the Rights of the Child

**The Committee on the Rights of the Child** will in September-October be conducting sessions with among others Bulgaria, Croatia, France, Lithuania, Luxemburg and Spain.

For The session plan go to:  
[www.ohchr.org/english/bodies/crc/sessions.htm](http://www.ohchr.org/english/bodies/crc/sessions.htm)

### Changes with the Committee

On its 45th session on May 21 the committee was adopting its agenda, swearing in new members, and electing its Bureau.

Committee Expert Yanghee Lee (Republic of Korea) was elected as the new Chairperson of the Committee on the Rights of the Child.

Other members of the Bureau elected on were: Mr. Kamel Filali, Vice-Chair (Algeria) Ms. Rosa Maria Ortiz, Vice-Chair (Paraguay), Mr. Awich Pollar, Vice-Chair (Uganda), Mr. Jean Zermatten, Vice-Chair (Switzerland), Mr. Lothar Krappmann, Rapporteur (Germany).

Since the last session Cuba, Egypt and Yemen had become parties to the Optional Protocol on the Involvement of Children in Armed Conflict, and Comoros, Mauritania, Moldova and Sweden had become parties to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

[www.unhchr.ch/hurricane/hurricane.nsf/view01/5C8E8424B791001EC12572E20035C40C?opendocument](http://www.unhchr.ch/hurricane/hurricane.nsf/view01/5C8E8424B791001EC12572E20035C40C?opendocument)

**Austria:** Lothar Krappmann, Member of the Committee on the Rights of the Child, has participated as a keynote speaker at the EPIMA 2 Seminar, which was held on November 30 and December 1 2006 in Vienna. The title of his speech was: Right on education and apprenticeship within the child convention.

The documentation of this event (in German only) is available at: [www.epima.at](http://www.epima.at)

**Netherlands:** In October 2007 the NGO report on the implementation of the CRC in the Netherlands will be released. The NGOs' major concerns will concentrate on child right violations against undocumented children, asylum seeking unaccompanied minors and refugee children. Defence for Children International (DCI) coordinates the writing of the report.

**Slovakia:** In 2006 the Ministry of Foreign Affairs sent the report about the rights of children in the past five years to The Slovak Humanitarian Council (SHC). SHC responded to the Ministry about the situation and the changes in the area of unaccompanied children coming to Slovakia from 2002 to 2006.

**UK:** The UK government and NGOs are due to report to the UNCRC in preparation for the UN inspection of the UK in Feb 2008. The government's draft report is out for consultation now and the 4 Children's Rights Alliances are preparing their reports. See also the section children and youth participation.

## Changes and Developments in Law, Policies and Practice

**Belgium:** A new act of the 12th of January 2007 provides that separated children cannot be placed in a closed centre for asylum seekers; they are to be sent to a specific centre for unaccompanied minors. The aliens act (of 15 December 1980) has been changed in many ways; the asylum procedure has changed and the regularisation procedure also. But almost none of the changes does apply specifically to minors and separated children; that means that every child is still treated as an adult in the procedures.

**Bulgaria:** The proposal for amendments of the Law on Asylum and Refugees has passed second reading in the Parliament.

**Croatia:** A new Law on Foreigners and a new Law on Asylum are currently in procedure (Parliamentary readings).

**Czech Republic:** Children of foreigners staying in the Czech Republic illegally should soon have a chance to attend Czech schools, due to a prepared amendment to the school law. Under the current law, schools are obliged to demand that children submit evidence about their legal stay in the Czech Republic. Various organizations have pointed out that the Czech law prevents some foreign children from attending schools and thereby violates their right to education, which is at variance with international conventions, such as the Convention on Rights of the Child, binding for the Czech Republic. At present, only foreigners with a permanent residence permit or with long-term or short term-visas, asylum seekers and people guaranteed temporary protection have the right to education. The advisory centre for refugees addressed 230 schools in Prague and only 12 of them said they would accept children of illegal immigrants.

**Denmark:** Proposed legislation that aims – among other things – to implement changes to the immigration legislation in Denmark as a result of the government action plan for the prevention of trafficking in human beings 2007-2010, including an extension of the so-called reflection period from 30 days to 100 days, is being subject to final debate in the Danish parliament. The proposed legislation also contains certain changes that are necessary for

Denmark to be able to ratify the Council of Europe Convention on Trafficking in Human Beings. In the case of unaccompanied minors, the proposed legislation means, that all children, regardless of whether they are applying for asylum, have the right to a guardian while they are in Denmark. Moreover, the proposed legislation includes an extension of the procedure for searching for parents, so that the immigration authorities can implement a search for the child's parents without the consent of the child or the child's guardian.

**Finland:** According to a legislative amendment regarding tracing that entered into force on February 1st 2007 the actual guardian of an underage asylum seeker arriving without a guardian must be traced where possible. Responsibility for the tracing lies with the Directorate of Immigration (DI).

The Directorate of Immigration signed a cooperation agreement with the International Social Service (ISS) on April 23rd 2007 concerning tracing of guardians of underage asylum seekers arriving without a guardian. Some NGOs have raised concerns as the tracing has slowed down the asylum processes for some separated children. There are children that have waited for the first asylum decision for more than a year.

According to the same legislative amendment the authorities of the DI, police and the border authorities may request reception centres to provide information on the birth date of a separated child and his/her family members and their whereabouts when investigating the identity, travel routes and bases of granting a residence permit or when tracing a parent or care-taker. According to the DI, the purpose of tracing and information provision is to help the DI to base its decisions on facts. NGOs working with asylum seekers have raised concerns regarding the importance of confidential relationships at reception centres and the separation of accommodation and the asylum procedure.

**Ireland:** The Immigration, Residence and Protection Bill was published on April 27. As the election was called shortly thereafter, the Bill will be considered and adopted by the new government. More information at:  
[www.oireachtas.ie/viewdoc.asp?DocID=7692&&C atID=59](http://www.oireachtas.ie/viewdoc.asp?DocID=7692&&C atID=59)

**Italy:** A new Framework Law adopted by the Italian Council of Ministers on the 24th of April 2007,

requests to the Government to modify (by April 2008) the Law Decree n.286/1998 (Main Law on Immigration). Amongst the changes that will improve the protection of separated children is the residence permit visa: Separated children turning 18 will be able to receive a residence permit. They will have to prove that they have been enrolled in a programme of assistance and protection managed by a public or private entity responding to specific criteria. Therefore, in line with the legislative change, separated children do not have to prove any more that they have been in Italy for at least 3 years and that they have been enrolled in a programme of integration for at least 2 years, as it was requested by the old legislative provision. Children turning 18, who committed an offence when they were minors, will be able to receive a residence permit if they concluded a programme of social integration. According to old provisions, children turning 18 could receive a resident permit only if they had been detained as a result of a conviction. Instead, new developments extend this possibility also to children who have been enrolled in a programme of social integration, as alternative to detention.

There have also been created a fund for separated children. This fund will provide resources for the assistance and protection of separated children will be set up within the Ministry of Social Solidarity. The fund will be used to support projects of assistance and protection run either by public or private entities. Under the old provisions, all costs incurred for providing assistance and protection to separated children had to be covered by local institutions (Municipalities). As a consequence, small municipalities with limited resources or municipalities placed in poor areas (in particular in the South), could not provide adequate resources to guarantee minimum levels of assistance.

**Netherlands:** The Dutch parliament has agreed to an amnesty for some 30,000 illegal immigrants, this means residence permits will be given to people who applied for and failed to get asylum before 2001. Anyone convicted of war crimes or sentenced to more than a month in jail is excluded from the new measure.

A temporary, general protection status will be given for asylum seekers from Central and Southern Iraq and Tutsis from DRC.

When a child is staying in the Netherlands for three years after the asylum application is rejected and

return has not been possible a temporary permit to stay could be given to him. This new policy came into force in April 2007 (WBV 2007/2, Staatscourant van 5 april 2007)

The State Secretary of Justice announced a full review of the policy for separated children in the Netherlands, expected towards the end of 2008. In addition, a review of the policy for unaccompanied minors presently in the country, focusing on minors disappearing 'with destination unknown' (a.k.a. 'administrative departure'), and which will also focus on return, was requested by parliamentary motion, and is expected in the summer of 2007.

**Malta:** A special unit for venerable groups has been set up in a closed centre in mid June. The care coordinator of this unit will be responsible for following the care for all vulnerable, thus this will help to quicken the release procedure for separated children.

**Norway:** A new piece of legislation was decided by the Norwegian Government on the 1st of June 2007. It focuses on the children and those who feel harmed by the Norwegian society as a result of staying in Norway for a long time as asylum-seeker. The legislation will make it easier to attain granted permit for children who have lived in Norway for a long time waiting for a decision.

**Slovakia:** As of January 1st 2007 the Qualification directive was transposed into Slovak legislation. Thus the new form of protection i.e. subsidiary protection was introduced. Due to the obligation to transpose the Directive, the Asylum Act no. 480/2002 and Aliens Act no. 48/2002 were amended.

An ERF II project focusing on vulnerable groups of refugees in all refugee camps in the territory of Slovak Republic has been implemented during the years 2006 and January-May 2007. The project shall continue till the end of November. However, it is planned to prolong its durability to include the next years.

**Slovenia:** The International Protection Act is in the phase of preparation. The law deteriorates standards on treatment of asylum seekers. NGOs and UNHCR prepared objections and proposals, also regarding treatment of separated children.

**Spain:** The agreement between Morocco and Spain for unaccompanied children based on the 2003

memorandum of understanding between the two countries on the assisted repatriation of unaccompanied minors has been concluded.

Some NGOs and Human Rights Watch asked the Spanish Government to ensure that this agreement would include all legal guarantees according to international and the Spanish legislation. It is considered that some dispositions in the memorandum did not respect children's rights. According to the memorandum the repatriated minors are directly to be handed by the border police, without legal supervision and the assistance of the social services, independently that their family was localized and without knowing if they can take care of them. Although it is welcomed that the memorandum has been replaced, the agreement remains silent on key safeguards during repatriation proceedings, the manner in which child repatriations from Spain are carried out and it lacks guidance on how the best interest of a child is to be determined by taking into account a variety of factors such as safety, security, level of integration in the host country and so forth. It is also worrisome that the agreement requires the Spanish government to transmit details of an unaccompanied child's identity and family background within one month to Moroccan authorities. This provision might put children fleeing persecution and their families at risk, especially if they are not granted asylum status.

**UK:** The New Asylum Model (NAM) has been phased in since 2005 and all new asylum applications will be dealt with under NAM from March 2007, including those from separated children. On application, each child is allocated a Home Office case owner who manages their asylum case from start to finish, making the initial decision and dealing with the appeal where one is lodged. One of the most significant changes for children is that those over 12 years old are now routinely interviewed about the substance of their asylum application.

The consultation on the Home Office UASC Reform paper looking at the way in which separated children are supported in the UK closes on May 31st. The reform programme proposes greater emphasis on age assessment, dispersal of separated young people and return to country of origin. We expect the Home Office to discuss its findings in the summer.

The UK Borders Bill currently before parliament proposes introducing residence and reporting

restrictions for those who have been granted leave. These new restrictions are aimed at separated children who are given temporary status, it has been told.

## Detention

On the occasion of Universal Children's Day (November 20th), **The International Detention Coalition (IDC)** underlined the negative impact of imprisonment on undocumented children. States have a specific duty of care towards children within their jurisdiction and they are obliged to seek alternatives to detention, yet many states lock up children for no other reason than their status as undocumented.

Get the full story at [www.idcoalition.org](http://www.idcoalition.org)

**Austria:** While the number of separated children asking for asylum in Austria is decreasing sharply (nearly 50% less applications in 2006 as compared to 2005), the number of separated children in detention is still high. According to the Ministry of Interior 185 separated children have been taken into pre-deportation detention in 2006. The main reason for this is new legislation, in force since January 2006, which allows detention pre-deportation already at the very beginning of an asylum procedure (in potential Dublin II cases).

**Belgium:** Every person who claims to be a separated child upon arrival at the border will undergo an identification procedure done by a "guardianship service" of the Ministry of Justice. The identification procedure cannot take more than 3 days (in exceptional cases, it can go up to six days). If he/she is identified as a separated child, he/she will immediately be sent to an observation and orientation centre (OOC); those are open centres for unaccompanied children. During the first 15 days (+ eventually 5 days), he/she will have a special status as if he/she hadn't entered the country. Within this time, he may be returned if there is a durable solution in the country of origin or in a third country. If there is no decision during this time, he will have access to the territory as the other separated children who were found on the territory. In the OOC then, there is actually discrimination against the children: the ones who have a special "extra-territorial" status and the others – as the groups do not receive the same treatment as to social support, guardianship, legal advice, health care, access to school and so forth.

**Bulgaria:** Foreigners who apply for asylum at the borders are directly transferred to Busmantsi Detention centre in Sofia. This centre holds an increasing number of separated children.

**Finland:** In 2006, 12 separated children were detained in the centre. The average detention period was 25 days, which is longer than for children with guardians. In addition to this, there may have been separated children detained at the facilities of the police. In 2007, there were no detentions from January to end of May.

**Malta:** UNHCR remains concerned at the detention of unaccompanied minors, children and babies under Malta's detention policy. Despite the introduction of a policy ensuring the fast-tracked release of these vulnerable groups, a number of administrative obstacles impede its full and effective implementation. UNHCR works closely with NGOs to speed up the process by referring specific cases and advocating for a timely release.

**Netherlands:** On April 4th 2007 about 13 separated children were detained in a Juvenile Detention Centre. The Secretary of State for Justice announced a review of this policy. The detention centers are not equipped for separated children who are being returned to their country of origin. On the contrary, Juvenile Detention Centers focus on reintegration in Dutch society. There is a lack of legal expertise among the guards, and the separated children are not aware of their rights.

**Romania:** According to Romanian asylum legislation separated children seeking asylum cannot 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:

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 is under 18 years, and afterwards applied for the asylum, s/he is released from the detention.

**Slovenia:** In 2006 and 2007 (January till the middle of May) 76 separated children were deprived of liberty because they illegally entered or illegally resided in Slovenia. They were held in detention between a few days up to two weeks. Among them was also 17 years old asylum seeking minor, who was accused of abusing the asylum system and for that reason detained in the detention centre.

**Switzerland:** The Control Committee of the National Council published in November 2006 a research study about children (15 – 17 years old) in detention before being deported. According to the Control Committee, 355 children were taken in detention in the years 2002 until 2004. 60% of them were imprisoned more than 4 days. Around 15% were imprisoned more than 3 months. In comparison to adults in the same period of time, this number is enormous as only 8% of adults are more than 3 months imprisoned. The Control Committee also criticized the lack of separation between children and adults in detention and the huge differences of practice between the Cantons. The Federal Council (executive) answered to the Control Committee in March 2007: The Federal Council thinks that many of these 355 children were most likely more than 18 years old. On top of that, the Federal Council has certain doubts about the statistics used by the Control Committee. The Federal Council promised to introduce a centralized database concerning all constraint measures in the near future.

Around 50% of the minors were deported after detention. The Federal Council therefore considers this detention an important instrument in order to deport minors to their country of origin.

The Federal Council also remembered that Switzerland made a reservation about Article 37c of the CRC: The separation of children deprived of liberty from adults is not unconditionally guaranteed. Besides this it is also, in some cases, considered more adequate to mix children with adults from the same ethnic group and religion than to mix minors with minors from a different ethnic group and religion.

**UK:** From January 2007 the amended Home Office policy on detention of age disputed applicants is applicable to all detention cases, not just to fast

track detention cases. To detain an age disputed applicant an Immigration Officer must now have the following:

- Credible and clear documentary evidence that they are 18 years of age or over.
- A full “Merton-compliant” age assessment by Social Services is available stating that they are 18 years of age or over. Please note that assessments completed by social services Emergency Duty Teams are not acceptable evidence of age.
- Their physical appearance/demeanor very strongly indicates that they are significantly 18 years of age or over and no other credible evidence exists to the contrary.

This appears to have had a significant affect on the number of age-disputed applicants who are detained. From Jan–March 2006 the Refugee Council Children's Panel received 33 referrals of detained age disputed applicants; for the corresponding period in 2007 they received 5 referrals.

## Age Assessment

**Austria:** From January to April 2007 the asylum authorities did not believe the age of the applicant in 19 cases. Figures about how often the alien police made corrections of the stated age are not available. The quality of the so called age assessments is still mostly very poor.

Regarding the method of inspection for age assessment purposes, the Austrian Higher Administrative Court ruled on April 4, 2007: *“The reasoning (physical appearance, personality and mature demeanour of the appellant during his hearing) based only on the assessment by the interrogator in the public hearing is not sufficient to give conclusive reasons for the age-assessment.”*

In addition, the Higher Administrative Court pointed out, that even after the presentation of an expert’s evidence the margin of insecurity of a respective statement is to be taken into account. Finally, the Higher Administrative Court ruled that in cases where after a medical expert assessment of the asylum-seeker concerned an exact determination of the age is not possible, the asylum authority has to apply the principle of ‘the benefit of the doubt’.

The Austrian practice regarding age assessment does not correspond with the standards elaborated in 2006 by the Network of Ombudspersons for Children (ENOC).

**Denmark:** In January 2007, Save the Children Denmark published a report entitled: Trafficking in

Children in Denmark 2006 (as mentioned under publications).

In relation to determining age, the report first examines the conventions and international guidelines, then lists the methods that are used in Denmark. Following recommendations for future practice in Denmark are illustrated in relation to good European practice.

The approach used as the method for age assessment in Denmark consists of three parts:

A somatic assessment compared with an assessment of the calcification of the left wrist bone and an assessment of dental development.

In the report, Save the Children Denmark recommends, that

- An age assessment conducted by a physician should not be conducted routinely; rather, this ought to only be carried out when necessary.

- A psycho-social assessment of maturity should also be included.

- It should be considered whether the disadvantages of a somatic assessment outweigh the advantages.

- An overall scientific assessment/investigation should be conducted of the validity of the methods for age-assessment that are used in Denmark.

- An evaluation of the use of age-assessment in Denmark ought to be carried out. Such an evaluation ought to include:

Whether doubt always falls to the benefit of the child? And how often is the view of a person who complains about age assessment being accepted?

**Germany:** The German Medical Assembly, which is held once a year, decided during its 110th meeting on 16 May 2007 that the Assembly rejects every participation in age assessment of foreigners as foreseen in the draft amendment of Section 49 Para. 6 of the Residence Act. According to this new provision somatic invasions for age assessment by a physician would be allowed as far as is does not harm the applicant’s health. The German Medical Assembly based its decision on the physicians' professional regulations, as age assessment is neither a measure to prevent or to cure an illness. The application of x-rays, which would be used for age assessment, was in their view only allowed under restrictive conditions. The Assembly added that age assessment based on x-ray of carpal bones was scientifically highly disputed. The decision can be found in German:

[www.bundesaerztekammer.de/page.asp?his=0.2.20.4640.5168.5283.5370.5372](http://www.bundesaerztekammer.de/page.asp?his=0.2.20.4640.5168.5283.5370.5372)

The Federal Association for Unaccompanied Minor Refugees noticed in its position paper on the latest

draft of the Act for the Transposition of the EU Directives that the foreseen new provision also does not comply with the standards set by Art. 17 (5) of the EU Procedures Directive, e.g. the duty to inform the minor and to obtain the minor's or his/her guardian's consent for this measure.

The position paper (in German) can be downloaded at:

[www.b-umf.de/pdf/POSPAPIER\\_end%2020-4-07.pdf](http://www.b-umf.de/pdf/POSPAPIER_end%2020-4-07.pdf)

**Italy:** A new Framework Law adopted by the Italian Council of Ministers on the 24th of April 2007, requests to the Government to modify (by April 2008) the Law Decree n.286/1998 (Main Law on Immigration). In terms of age assessment, it requests to introduce the following changes: In cases of doubt, medical examination should be conducted. If the age of the person claiming to be less than 18 years of age cannot still be assessed, then he/she will be treated as such.

**Malta:** The age of undocumented minors is determined by an assessment panel. If the panel is in doubt the wrist bone test is carried out. We are now in the search for possible different age determining tests which can be used when wrist bone test results are contested.

**Netherlands:** There is still a discussion going on about the norms of the age assessment which are not fully embedded in the cultural backgrounds of the youngsters. SAMAH is working on an information leaflet about the age assessment for lawyers, youngsters and guardians.

**Norway:** Since 2003, age assessment has been used when there is doubt about the age of an applicant. Of those who in 2006 claimed to be a minor when they applied for asylum, 260 persons underwent an age assessment. In 2006, 24 percent of the unaccompanied minor cases in which a decision was reached, the applicant was found to have been older than 18 years at the time of application, and their applications were processed according to the procedure for adults. After all the criticism of the unreliable methods on age assessments, Ullevål University Hospital has ended assisting the Norwegian Directorate of Immigration (UDI). They will not do any age assessment (skeletal examination) in cases concerning separated children in the future. Because of this UDI doesn't use skeletal examination for age assessment any longer.

**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 National Refugee Office will request a forensic examination to evaluate the age of the applicant, with the prior written approval of the minor and his/her legal representative".

During 2007, age assessment was requested in four out of the ten cases registered. One out of the four declared separated children was found to be over 18 years of age following the age assessment. If the asylum-seeker declares that he/she is a minor and there are no serious doubts regarding his/her minority, the benefit of the doubt is granted.

Article 22 of the Methodological Norms stipulates that: "The information provided for under Article 16(4) of the law shall be made in written, in accordance with the model established by order of the General Director of the National Refugee Office". In practice, separated children were always informed in the presence of their legal guardians regarding medical examination for establishing the age, methods of examination and the effect of a possible refusal of this medical examination.

If the asylum-seeker and/or the legal guardian refuse to have the forensic examination done to evaluate the age and conclusive proof is not supplied, the asylum-seeker will be considered an adult. In the above-mentioned situation it will be considered that the person has turned 18 years of age on the date of submission of the asylum application. This rule would not be applied in the case in which, at the basis of the refusal to have the forensic examination to determine age carried out, there are well founded reasons, discovered after evaluation made by a psychologist of the National Refugee Office. The age assessment consists of physical examination (including examination of genitalia), dental examination and wrist X-ray.

**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 cannot question and determine the personal status, i.e. age, of the asylum seeker.

**Sweden:** New general guidelines are anticipated from the National Board of Health and Welfare in 2007. These will most likely have an impact on Migration Board guidelines.

**UK:** The Home Office has drafted a new asylum process instruction on age disputes. This details how age disputed applicants will be dealt with under the New Asylum Model. They are going to combine this with their asylum policy instruction on age disputes. This is expected to appear on their website in the middle of June.

The joint Home Office and social services protocol regarding age assessment is still being re-written.

## Guardianship

**Austria:** As part of an UNHCR-project, the Children and Youth Advocacy Styria in co-operation with Asylum Coordination Austria has assessed the legal situation and practice of guardianship for unaccompanied minor asylum seekers in Austria. The document in English: [www.asyl.at/umf/umf/guardianship\\_austria.pdf](http://www.asyl.at/umf/umf/guardianship_austria.pdf)

**Finland:** The Ministry of Labour has started to provide regular group counselling for all guardians in Helsinki. In the future there may be regional counselling and individual counselling for those who work as full time guardians.

**Ireland:** The Labour Party's election Manifesto stated that it will ensure "that unaccompanied minors applying for asylum should have a legal guardian appointed to represent them in an appropriate manner." It remains to be seen whether Labour will form part of the coalition government following the recent election on May 24th.

The National Children's Strategy (November 2000) also makes the commitment that "unaccompanied children seeking refugee status will be treated in accordance with best international practice, including the provision of a designated social worker and guardian ad litem."

**Malta:** UNHCR and the NGO SCEP Focal Point co-operated very closely on the UNHCR mapping of Guardianship provisions and practice. The consultations delved deeply into current practice, highlighted achievements and problems with a view of cooperating to devise appropriate solutions.

**Netherlands:** Guardians are to be provided within 24 hours for separated children who are considered at risk for child trafficking, mostly minors from Nigeria and India. For others it takes a few weeks.

**Romania:** 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 the Law Faculty or of the Faculty for Social Assistance). Guardians could be appointed from staff of authorized private institution, provided that a pertinent authorization is given by the Directorate for Child Protection. Until today, there was no practice in this regard. The local Directorates for Child Protection are affiliated with the National Authority on Child Protection, which is under the authority of the Ministry of Labor, Social Solidarity and Equality of Chances.

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

Reportedly, the practice had shifted from legal guardians not looking to support the child in relation to his/her access to education, health care and/or other services into increasing the role of the legal guardian in relation to these aspects: i.e. in the case of a separated child of Russian origin, the legal guardian made the necessary arrangements to ensure that the child benefits from psychological counselling provided by a psychologist specialised in child psychology.

**Slovakia:** A new education project under the SHC and UNHCR is planned to start in the second half of year 2007.

**Spain:** Last September, the Government committed to transfer 500 unaccompanied minors from the Canary Island to the Peninsula. According to government figures, 349 minors have been moved to the Peninsula so far, but they intend to move 150 more. However, this number will increase as many children arrive to Canary Island in the summer.

In January it was decided to carry out a Conference on Immigration to deal with this topic. The Executive suggested the possibility that Spanish families could take care of some of these children. The Popular Party expressed its disagreement with the Government policy on immigration and proposed to intensify family reunifications and the agility of the procedure. The party also proposed to allow the repatriation of minors over 16 "in the conditions considered more appropriate" and to strengthen the agreements with the countries of origins of the minors (Morocco, Senegal and Mali) to facilitate repatriations and the constructions of

accommodation centres in these countries for repatriated children.

**Sweden:** There have been difficulties recruiting enough legal guardians (*gode män*) with the consequence that children do not get legal guardians as soon as intended in the law.

**Switzerland:** According to the Swiss Asylum Act, each separated child within the asylum procedure has to be assisted by a guardian or “person of confidence”. After the Swiss Federal Administrative Court published jurisprudence in this matter, the Swiss Federal Office for Migration reminded the authorities in the Cantons at the beginning of March 2007 about this responsibility. Therefore such a person must not only defend the interest of the separated child and represent him/her during the asylum procedure, but this person must also fulfil administrative and organisational tasks. The “person of confidence” must have some knowledge about the Asylum procedure but also has to make it possible for the separated child to contact him/her whenever necessary. Besides this, the person of confidence has to assure access to a professional legal adviser in case the complexity of a minor’s situation demands legal assistance.

## Reception

**Austria:** In April 2007 a total of 445 separated children received support within the system of basic provision. Most of them resided in Vienna (120) and Lower Austria (100), the lowest number of separated children can be found in the federal states Carinthia (1) and Burgenland (3).

Because of the significant drop in numbers of applications from separated children the specialised centres for separated children are facing more and more serious financial problems, and thus a couple of them have been closed down.

**Belgium:** There is a new act concerning the reception of asylum seekers. Children are considered as “vulnerable persons” who are accommodated in a specific centre. The whole accommodation system for separated children will be reorganised. There will be no more distinction between asylum seekers and non-asylum seekers - each separated child will be accommodated in a centre depending of their personal situation and needs. This system is still to be implemented.

**Bulgaria:** For the first months of the year there is an upward trend in asylum applications at the borders – especially a rise in number of new applicants from Iraq.

**Finland:** One group home for separated children located in Western Finland (Perniö) was abolished. A new family group home for separated children who have received a residence permit is being planned to be established in a northern city of Oulu. A project on developing a system for placing separated children to live with relatives has established a model and has become an established practice according to which a group home has a family worker and a social worker who visit and interview relatives several times prior to deciding about placement of the child to live with them.

**Malta:** As soon as separated children are released, they are placed in residential homes for unaccompanied minors. A second Home was opened in October last year.

**Netherlands:** Since the beginning of 2007 COA (Central Agency for the Reception of Asylum Seekers) is responsible for housing separated children above 12 years of age. For separated children under 12 years of age Nidos (Youth protection for refugees) takes care for foster families. Nidos is still guardian for all separated children, as before.

**Romania:** In 2007 all separated children seeking asylum were accommodated in NRO 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.

When the refugee status determination procedure is finalised, be it by recognition of refugee status or by granting subsidiary protection, the guardianship responsibility is taken over by the manager of the shelter run by the Directorate for Child Protection where the separated child granted a form of protection would be placed. In the shelter every child is assigned to a case manager who cooperates with the school principle, psychologist and doctor,

to ensure that the best interest of the child is always taken into account.

Three separated children of Somali origin who were granted refugee status continued to be accommodated in the NRO Reception Centre in Somcuta Mare. The rationale of the decision to continue to accommodate them there was related to allowing the children to live with their co-nationals – adults of Somali origin accommodated in the same centre.

**Slovakia:** Section 22 of the Asylum Act no. 480/2002 was amended as follows:

The Ministry shall ensure adequate health care to minor asylum seekers, who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and degrading treatment, or who have suffered from consequences of an armed conflict.

**Sweden:** The responsibility for accommodating separated children was transferred from the national Migration Board to the municipalities in July 2006. Since the change, it has been an ongoing matter of concern to find enough housing for the children. The government has in April 2007 in the budget proposal presented higher financial compensation to the municipalities that accommodate separated children. As by the 17th of April 300 unaccompanied children were living in temporary transit-style accommodation, waiting for more long-term accommodation.

**Switzerland:** There are 4 registration centres for asylum seekers close to the border. In order to accelerate the asylum procedure, more and more asylum seekers are interviewed about their reasons to/for apply for Asylum in these centres before they are transferred to the reception centres in the Cantons. Consequently, the asylum seekers stay much longer in these registration centres. A few years ago, they did not stay there for more than two weeks. In October 2006 The Federal Office for Migration introduced new directives for the treatment of separated children in these registration centres - based on the CRC and the Swiss Constitution: Separated children shall not stay there longer than 60 days. The degree of assistance shall take into account the age and maturity of each child. Especially very young children shall be placed within foster families when it is in their best interest. Each child has access to a “person of confidence” or contact person in case a “person of confidence” has not yet been put in place. The separated

children shall receive a handout with information about their rights and duties as well as explanations about their contact persons or “person of confidence”. Young children shall be accompanied when they are transferred to the cantons.

**UK:** According to the British Association of Social Workers (BASW) social workers should refuse to participate in unethical removals of asylum-seeking children in care. Felicity Collier, chair of BASW's ethics and standards board, claims that children are being “rushed away with their belongings in a plastic bag, or with nothing” because they have no time to prepare for the removal. According to Collier social workers are under “increasing pressure” to co-operate with practices that violates the rights of children and young people.

An article concerning this issue can be found at: [www.communitycare.co.uk/Articles/2007/05/08/104406/social-workers-should-refuse-to-co-operate-with-unethical-removals-of-asylum-seeking-children-in.html](http://www.communitycare.co.uk/Articles/2007/05/08/104406/social-workers-should-refuse-to-co-operate-with-unethical-removals-of-asylum-seeking-children-in.html)

## Missing Children

**Belgium:** The amount of children who disappear is still high but it is still difficult to get a clear view on the situation that is really worrying. Many Roma children disappear very quickly after their arrival in the OOC - they often come back, picked up by the police, and then disappear again. They often give different identity each time they are arrested.

**Bulgaria:** Statistical data on missing children does not exist. But it is known that the procedure has been ceased or terminated for 57 separated children in 2006.

**Croatia:** All asylum seeking separated children have left the shelter before the final decision on their asylum claim has been made – so far 5 children in 2007.

**Finland:** In 2005, 29 children went missing. They were from Somalia, China, Bulgaria and many other single countries. In 2006, 19 children went missing. They were from Iraq, Bulgaria, Somalia and other countries. Until the end of April 2007, only three children went missing.

**Ireland:** On the International Missing Children's Day 25<sup>th</sup> of May 2007 the Irish Refugee Council issued an opinion piece. This is a short excerpt:

*“Last year, the Health Service Executive (HSE) reported that 328 migrant children had gone missing from care in the period from 2001-2005. Disturbingly, the real number of missing children may be even higher as these figures represent only those who have presented to the HSE and the cumulative figure is likely to have increased significantly by now as previous statistics indicate that, on average, at least one migrant child goes missing from care every week, with little or no public outcry. Recognizing this as a serious issue, the incoming Irish government must commit itself to fulfilling its international obligations under the Convention on the Rights of the Child and to providing better protection to these vulnerable children. Without stability and prospects for the future, children whom we protect today may fall prey to traffickers tomorrow when they leave residential care or are returned to their countries of origin”.*

**Netherlands:** The research centre of the Ministry of Justice (WODC) published a report about separated children who went missing. Between 2000 and 2005 the percentage of minors who left the centres with unknown destination (MOB's) varied between 79 and 91%, in 2005 it was 84%. In 2005 37 UAMs returned to their home countries voluntarily, 23 were expelled and 322 'disappeared'. In a reaction the former Minister announced to investigate the possibilities of semi closed centres which are highly protected. Such a centre is already used for separated children at risk, in this case Nigerian girls.

In a parliamentary debate about the WODC report, Unicef, Ecpat and DCI took the opportunity to lobby for a better asylum procedure for separated children in which a durable solution is provided for the separated children within a year. The organisations stated that if there cannot be arranged good care arranged in the home countries, the separated children should get a residence permit. Today it is possible that separated children wait for years and then they are expelled after their 18<sup>th</sup> birthday. That is the reason a lot of separated children disappear just before they turn 18. The Secretary of State called the situation of former separated children 'explosive' and said that a lot of them could end up in prostitution or trafficking situations. In the beginning of 2007 11 separated children disappeared from a registration and reception centre (aanmeldcentrum) in Ter Apel.

**Norway:** The Ministry of Justice and the Police has established a working group to study disappearances of children from reception centres and propose measures that can be implemented to prevent and investigate cases of disappearance of minors from

reception centres. The Ministry of Justice and the Police is responsible for this work. The police, the Prosecuting Authority, The Norwegian Directorate of Immigration, the Ministry of Children and Equality and The Ministry of Social inclusion are part of the working group, and by the end of 2007 they will conclude all their findings and recommendations in a report.

**Slovenia:** In 2006 and 2007 (until the middle of May) 23 minors disappeared from the Asylum Homes. In most cases these were boys who wanted to join their relatives in other European countries.

**UK:** The Missing Out research showed that 48 (60%) cases of known or suspected victims of trafficking went missing from social services care and have never been found. See publications.

## Dublin II practice

**Austria:** The number of asylum seekers in detention during the Dublin II procedure is very high. Because separated children in such cases are no longer brought to the first accommodation centres, it is now much more difficult for NGOs to monitor the Dublin II procedure.

**Denmark:** Save the Children Denmark has been advocating that trafficked/separated children ought to be exempted from the Dublin provisions if the decisions about return are not found to be in the best interests of the child. Unfortunately, the new government action plan states that "the immigration authorities follow the rules stated in the Dublin provisions in the cases in which unaccompanied minor applicants for asylum have previously applied for asylum in another member state and subsequently travelled to another member state and made a new application for asylum. In the case work, the immigration authorities grant consideration to the age of the child, his/her health and their attachment to Denmark".

**Luxemburg:** 2 persons were returned to other countries, because they had asked for asylum there.

**Slovakia:** If the unaccompanied minors are returned to Slovakia under the Dublin II practice they are admitted to the procedure without problems. There were no cases reported in 2006 that unaccompanied minors were detained when returned.

**Slovenia:** Two minors have been returned from Austria within the Dublin II regulation.

**UK:** The UK parliamentary group on refugees hosted a special meeting to hear from the European Council for Refugees and Exiles (ECRE) to promote 'The Way Forward' (see [www.ecre.org/topics/ecres\\_refugee\\_agenda\\_for\\_europe](http://www.ecre.org/topics/ecres_refugee_agenda_for_europe)) and discuss ECRE's advocacy work. A presentation was given by the Refugee Council on the application of Dublin II to unaccompanied children.

## Procedures and Recognition

**Austria:** Statement regarding flight history - taking age into account by the Higher Administrative Court 14th of December 2006, 2006/01/0362:

"The appellant, X, was under-aged during all interviews in the asylum procedure. Additionally he had to report about (claimed) incidents, which he had experienced at the age of 12 or 13 and which therefore at the time of his interview at the Federal Asylum Agency and his appeal hearing with the authority concerned dated back 4 years and 5 years respectively, and which were followed by a flight across different African countries that lasted several years. In the opinion of the Higher Administrative Court it is obvious that these circumstances require a particularly accurate assessment of the quality of the statement regarding the flight reasons, and that the density of the statement can not be measured 'on a regular scale'".

The challenged decision gives evidence that the mentioned points have not been taken into account in the consideration of the evidence. In particular no consideration can be seen regarding the fact, that the description of the flight story is founded on the point of view of a 12 (maximum 13) years old child, that after the claimed traumatic incidents (loss of brother and mother) had to pass several years all on his own as an unaccompanied minor outside his home country.

**Belgium:** The definition of an "unaccompanied minor" in Belgium states that the minor has to come from a third country, outside the European Union. This definition entails that many separated children dropped out of the guardianship system, because their country of origin became member of the EU, although there is no other protection system in place. One third (about 30%) of the

minors coming into Belgium last year came from the new EU countries, especially Romania.

A new asylum procedure enters into force on the 1st of June 2007. The asylum procedure has thus changed in depth. The main changes are:

- \* The Alien's Office (Office des Etrangers) of the Ministry of Interior has no longer competence in the first phase of the asylum procedure.

- \* There will no longer be a distinction between the admissibility and the final decision;

- \* A new administrative tribunal has been created, and it has a general competence for everything that concerns aliens and migrants

For unaccompanied children, the main changes are that there are no longer two interviews during the admissibility phase (this was very traumatising for the children) and there will only be one interview in the whole procedure. It's still too early to say if this will be beneficial for the minor or not. The one interview will of course be of great importance, and it will then be crucial that the child's lawyer prepare the child very well.

The criteria to be recognised as a refugee have not been changed, but are now more precise: the definition of a refugee is much clearer. The new law does not provide anything specific for children except that they are now considered as vulnerable persons and this has to be taken into account.

There is a new status, besides the recognition as refugee: the subsidiary protection. This applies to children too in cases where the conditions to get the refugee status are not met but there are other reasons to give protection.

For the separated children who do not seek asylum, the administrative regulation of the 15th of September 2005 is still in force but its application becomes more and more severe and restrictive. Each separated child has to present a passport, without which it is very difficult to get temporary stay. There is still no automatic right to a temporary stay for separated children in Belgium even though NGOs are recommending this.

**Bulgaria:** From January till the end of May 2007 humanitarian status was granted to 4 separated children.

**Finland:** There are less temporary residence permits given to separated children and all asylum seekers this year compared to the previous years. A total of 41 decisions were made to separated children by 30th of April 4 2007. 29 of these were

positive (including 2 temporary ones) and 11 were negative (including 6 Dublin cases).

**Germany:** Due to their particular vulnerability, unaccompanied minors were granted subsidiary protection under Section 60 (7) Residence Act more often than adult asylum-seekers. These decisions were based on an impending danger to life and limb, e.g. because economic subsistence was not guaranteed in the home country or because there were no relatives and the minors could not survive as an accommodation in an orphanage would not be available.

**Italy:** A new directive on separated children seeking asylum has been adopted by the Ministry of Interior and the Ministry of Justice (registered on the 7th of March 2007). According to the new directive, public officers working at borders or on the national territory have got the duty to inform any separated child they should meet, of his/her right to seek asylum and invite him/her to express his/her opinion in this regard. They should act taking into consideration his/her age and be assisted by a cultural mediator and an interpreter. Social Services of the Municipality where the child is based, should promptly inform the child to the Central service of the National Protection System for asylum seekers and refugees, in order to ensure that protection is given to him/her. The National Protection System will then give indications as to the Municipality that will provide assistance and protection to the child. The new directive has covered a vacuum that previously existed, causing lack of protection of separated children seeking asylum, who were not informed of their rights and procedure to present an asylum request.

**Romania:** In 2007, three out of ten separated children were granted refugee status. The separated children who were recognised refugees are from Somalia. Subsequently to their recognition as refugees, they were enrolled in the Government integration programme (including Romanian language courses, enrolment in the mainstream class). Six separated children were rejected in the administrative stage of the asylum procedure and their appeals are pending court decisions.

**Slovakia:** Slovakia remains a transit country for unaccompanied minors. 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 the territory of Slovakia and

their procedure is thus terminated. And therefore refugee status was not granted to any unaccompanied minors in 2006 or 2007.

**Slovenia:** Since May 2005 no separated children have been granted asylum.

**UK:** Prior to April 2007, separated children whose asylum application was refused were generally granted discretionary leave to remain in the country until they were 18. One of the effects of this was that appeals against refusal were often not heard until after the applicant turned 18, and any removal was significantly delayed pending legal argument. From April 1st 2007 discretionary leave in these circumstances will only be granted until the applicant is 17 years and 6 months old. The intention is that any outstanding appeal against the refusal of asylum will be resolved before the client turns 18, so enabling removal soon afterwards.

## Family Tracing and Reunification

**Belgium:** In the new alien's act the family reunification has also been changed. In general, this change is also restrictive: the family reunification will become more and more difficult. But, one positive point is that the separated child, who has been granted the refugee status, can ask to be reunited in Belgium with his/her parents. It's unclear if this will be often or easily applied.

**Ireland:** So far in 2007 72 children have been reunited with their families.

**Malta:** Two cases of resettlement have been finalised. We have another two cases with people that are in the process of reunification with their relatives in America.

**Norway:** In September 2006 the Norwegian Directorate of Immigration initiated a comparative study of different European countries' practices and experiences in tracing the parents or other caregivers of unaccompanied minor asylum seekers. Norwegian Social Research (NOVA) was commissioned to conduct the project. The findings show that tracing work is both difficult and demanding, and the rate of success is generally low. Furthermore, not all successful family tracing leads to family reunification. In most cases, if the countries do not succeed in their tracing attempts or adequate care is not available in the country of

origin or a third country, the minor is given temporary or permanent residence in the receiving country.

Link to report can be found in the section on publications.

**Romania:** According to the Law on Asylum, procedures for family tracing and family reunification are initiated by the NRO with involvement of the Authority for Aliens. Art. 121 of the Aliens Law, which stipulates that Authority for Aliens takes necessary measures for family tracing and reuniting the child with his family in the country of the family, pertains to all alien separated children and finally rejected asylum-seekers.

There were no cases of family reunification of refugee separated children.

**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 leave Slovakia on their own.

**Slovenia:** Two minors, who have returned from Austria within the Dublin II regulation, will be reunited with their parents, who are asylum seekers in Hungary.

## Return

**Austria:** Whereas in the past the Aliens Police had been quite restrained in respect of deporting separated children to their home countries, now an increase of cases can be noticed, where it was either attempted to deport separated children or such deportations actually took place. For instance a minor, who was cared for in Lower Austria, was deported to Kosovo. After the minor's application had been rejected in second instance without a previous hearing, an application for assistance for legal costs for the extraordinary complaint procedure had been filed with the Higher Administrative Court and accepted on April 23 2007. Nevertheless the minor was taken in detention on May 2<sup>nd</sup> 2007. A complaint against the detention and an application for deferment of the deportation were not successful. On May 4<sup>th</sup> 2007 an attempt to deport the minor failed due to his resistance and the minor claimed to have been beaten by the police upon return to the Police Detention Centre Rossauer Lände. During the

following detention he claimed being denied clean clothing, showering, medicine and to have been prevented sleep by leaving a bright light on all the time. In the end he was deported on May 8<sup>th</sup> 2007.

**Belgium:** The new act concerning accommodation provides that everybody should have access to a voluntary return programme. It looks like the personal working in accommodation centres put the emphasis on this voluntary return.

**Italy:** A new Framework Law adopted by the Italian Council of Ministers on the 24<sup>th</sup> of April 2007, requests to the Government to modify (by April 2008) the Law Decree n.286/1998 (Main Law on Immigration). In terms of return to the country of origin, it requests to introduce the following changes:

- The Juvenile Court has to authorise the repatriation of any separated child above 14 years of age if this is done without his/her consent, as well as the repatriation of any separated child below 14 years. According to the original provision, the repatriation is decided by the Committee on Foreign Minors (Ministry of Social Solidarity) without any judicial control.
- New procedures will regulate the composition and functioning of the Committee on foreign minors, in order to guarantee a more efficient and effective work of the committee.
- Separated children turning 18, can opt for voluntary assisted return to their country of origin and sign up in the lists of foreign workers who intend to enter and work in Italy. The new provision will avoid the situation where children turning 18 could not apply for a new permit and legally work in Italy. This has frequently resulted in situations of illegality and expulsion with denial of entry into the territory for 10 years.

**Romania:** A separated child from Russia who withdrew the asylum application was taken over by the Authority for Aliens. The Authority contacted his mother in Russia. The boy was escorted to the border with Ukraine where he was handed to his mother. Throughout the whole process the best interest of the child was the guiding principle.

**Slovakia:** The International Organisation for Migration (IOM) provided the statistics regarding the voluntary returns of all asylum seekers during the period January-November 2006 i.e. 99 voluntary returns. However, the statistics do not reveal the

number of unaccompanied minors voluntarily returned to the country of origin.

**Slovenia:** In 2006 47 minors returned to their country of origin, while in the first five months of 2007 only 4 did.

**Spain:** Repatriations without the proper guarantees continue to take place. Data from the Home Office show that in 2006, 111 minors (including 80 Moroccans) were repatriated to their country of origin, nearly double compared to 2005 (61 minors). On January 27th the Ombudsman and the General Council of the Spanish Advocacy recommended to modify some practices to guarantee the legality of the execution of repatriations of unaccompanied minors. The Ombudsman recommended that the competent administration listen to the minors before deciding on repatriation and an individual and detailed analysis should be carried out, considering the age of the minor, his/her maturity and the conditions in his country of origin. It also proposed to produce a protocol on repatriation and to notify the minors on the resolutions that affect them. The General Council of the Spanish Advocacy calls on the lawyers to offer “special attention” to guarantee the proper execution of the law in these cases. Moreover the law insists on the right for minors to receive legal assistance according to the Immigration Law. The Council recommends that the lawyers present a plea to protect the fundamental rights in case of their violation. At present there are about 20 open pleas of this kind, some of them managed to stop the execution of the repatriation.

**Spain:** For the first time in Spain, a High Court in Madrid (Tribunal Superior de Justicia de Madrid) decided against the order of repatriation of a Moroccan minor and ordered the Community of Madrid and the Government Delegation in Madrid to pay the legal costs of the proceedings that had started in June 2005 with the repatriation of the minor to Morocco. On April 16, the High Court ruled that the minor had the right to stay in Spain with a residence permit. The judge stated that neither the minor, nor his family, had been consulted, nor did no one ascertain which social service division should take care of him. The conditions of his repatriation were not considered and no one informed the minor of his right to a lawyer. Moreover, the Community of Madrid did not report on the condition of his family and its capacity to take care of him, neither did the

Government Delegation ask Moroccan social services to take care of the minor. The child had been living in Spain for two years with a residence permit. Despite that, the Government Delegate in Madrid signed a repatriation order and, on November 16 2005, the Police carried out the order of repatriation, escorting the minor to the police station in Tangier. In May 2006, the minor managed to reach the border in Tarifa and entered Spain legally, showing his passport and residence permit. A month later the Community of Madrid hosted the minor for the second time in an accommodation centre. Now the child is in a difficult situation because soon he'll be eighteen and he is still waiting for the residence permit that they took away from him.

**Switzerland:** IOM Switzerland has published a practical guide book for professionals about the organisation of return and reintegration of vulnerable persons. The Swiss Foundation of the International Social Service was invited to write the introduction for the chapter concerning Separated Children.

**UK:** The Minister for Education and Young People wrote to the Education and Communities Committees of the Scottish Parliament in April 2007 informing them that the Executive has reached agreement with Glasgow City Council and the Home Office on lead professional arrangements for asylum seeker families in Glasgow to ensure that relevant health, education and welfare information is available to the Home Office when they are considering the removal of ‘failed’ asylum cases involving children and their families. The arrangements will apply to those cases being examined as part of the Home Office’s “legacy review” of all existing cases in Scotland that are not being dealt with through the New Asylum Model – in particular the 1,100 families with children whose original applications had been unsuccessful. This arrangement followed almost 2 years of campaigning by a group of young women – asylum seekers, refugees and local girls – called the Glasgow Girls and a recent press conference they held with support from Save the Children in Scotland.

## Trafficking

### 10 Year Goals for the Global Initiative to Fight Human Trafficking

Save the Children, Amnesty International, Anti-Slavery International and the Global Alliance Against Traffic in Women have in collaboration proposed 10 goals as a framework for action for the Global Initiative to Fight Human Trafficking, launched by the UNODC – See also events.

Further information at:

[www.gaatw.net/publications/NGO%20Submission\\_GIFT\\_Goals.pdf](http://www.gaatw.net/publications/NGO%20Submission_GIFT_Goals.pdf)

### BSR CACVT Mapping Project - Describing cases of children trafficked in the Baltic Sea Region

With support from the EU Daphne Programme, the Working Group for Cooperation on Children at Risk is commissioning a report that will describe cases of children that are trafficked in the region. The mapping started November 2006 and will continue until October 31st 2007. The mapping will focus on how the involved authorities and agencies assisted the young persons and through interviews with affected young persons themselves, describe what in the assistance and protection that worked well and what did not.

**Denmark:** In January 2007, Save the Children Denmark published a report entitled: Trafficking in Children in Denmark 2006. The report includes a survey of the number of assumed victims as well as an outline of the identification procedures employed in Denmark. Furthermore, the report focuses on some of the key areas that are also dealt with in the government action plan, such as the right of the child to identification, a guardian, appropriate living conditions, age assessment as well as repatriation and responsible delivery/reception in the home country.

**Finland:** An action plan for helping victims of trafficking is being drafted by the Ministries of Labour and Interior and NGOs. Since December 2006, two of the reception centres have specialised in co-ordinating assistance and accommodation of victims of trafficking: one is for adult victims and one for minors. So far underage victims of trafficking have applied for asylum and have remained in a reception centre.

According to the Aliens' Act, a temporary residence permit for victims of trafficking can be granted requiring that the victim's residence in Finland is

based on court proceedings concerning trafficking, the victim is prepared to cooperate with the authorities in apprehending of those suspected, and the victim no longer has any ties with those suspected of trafficking. Until the end of May 2007, only one woman has been granted this residence permit in Finland.

**Ireland:** The Criminal Justice (Trafficking and Sexual Offences) Bill 2006 aims to implement the UN Anti-Trafficking Protocol and EU Framework Decision on Combating Trafficking. It depends on the priorities of the new government when it will be passed. This bill only covers criminalization, on the issue of protection measures some of these are contained in the Immigration, Residence and Protection Bill 2007. This was published shortly before the election was called. Again, it will depend on the new government if it becomes law and when. The previous government indicated that some of the protection measures required in the Council of Europe Convention will be undertaken by administrative measures rather than legislation. It is not clear when and how these administrative measures will be put in place.

**Italy:** A new Framework Law adopted by the Italian Council of Ministers on the 24th of April 2007, requests to the Government to modify (by April 2008) the Law Decree n.286/1998 (Main Law on Immigration). In terms of trafficking, it requests to introduce the following changes: Family reunification when family members of the victim are at risk. And no-punishment for offences and violations connected to the illegal stay and non respect of the order of expulsion.

Although these provisions apply in general to all victims, they will impact on the protection of children as well.

**Norway:** Save the Children Norway have launched an initiative entitled HVISK that helps the victims of child trafficking, enables them and children endangered and also social workers to be informed and guided on questions related to trafficking. A telephone hotline and a web site will be established later this year.

Further information can be found at: [www.reddbarna.no/default.asp?V\\_ITEM\\_ID=13144](http://www.reddbarna.no/default.asp?V_ITEM_ID=13144).

The website is in Norwegian, for information in English contact Save the Children Norway.

**Slovakia:** There are no specific statistics regarding

the trafficking of the children. The Yearbook of the Aliens Police of 2006 only provides the information about the smuggling cases altogether i.e. documented cases of smuggling: 120, number of detained smugglers: 305, number of smugglers charged with accusation: 227.

**UK:** UK has signed the Council of Europe Trafficking Convention and has launched a National Plan on Human Trafficking to coincide with the bicentenary of the abolition of the slave trade.

[www.homeoffice.gov.uk/documents/human-traffick-action-plan?view=Binary](http://www.homeoffice.gov.uk/documents/human-traffick-action-plan?view=Binary)

**Ukraine:** On April 25th IOM and three leading cell phone operators signed an agreement to set up a toll-free counter-trafficking short number - 527 - which will route all calls to a free IOM service providing information on the current realities and dangers facing migrants abroad including human trafficking and the consequences of irregular entry and stay in foreign countries. Migrants will also get information on legal methods of migration.

To receive more information contact IOM Kyiv Public Information Office at 380 44-568 50 15, or by e-mail at: [pr@iom.kiev.ua](mailto:pr@iom.kiev.ua).

## Children and Youth Participation

**Austria:** In the EPIMA 2 module „Kiona“ several young asylum seekers have since November 2006 learned how to create radio programs. Two of these young radio makers, Wahid Haidery and Nurudeen Akini, subsequently were given the opportunity to try out their acquired skills in public relation work for EPIMA 2. They produced four radio programs about activities connected to the project as well as about themes interesting for themselves and other young people, which were broadcasted on Radio Orange. All programs can be heard at: [www.epima.at](http://www.epima.at)

**Ireland:** Children involved in the Dun Laoghaire Refugee Project ([www.drpf.ie/](http://www.drpf.ie/)) are preparing a film that will be shown on Refugee Day.

**Romania:** In April 2007, children painted canvas, which was placed in hypermarket in Bucharest, in the context of the campaign organized for the wide public to contribute with 2% of the taxes paid to funding for non-governmental organisations.

**UK:** The Children’s Rights Alliance for England (CRAE) runs “Get Ready for Geneva”, through which will support children in developing their own response to the UK CRC inspection.

[www.crae.org.uk/cms/dmdocuments/Get%20ready%20for%20Geneva%20YP%20leaflet%20Jan%202007.pdf](http://www.crae.org.uk/cms/dmdocuments/Get%20ready%20for%20Geneva%20YP%20leaflet%20Jan%202007.pdf)

## Miscellaneous

**Austria:** On May 1 2007 the sponsor project for separated children “Connecting People”, organised by the Asylumcoordination Austria, won the first prize of the “Sozialmarie”, a privately funded award for innovative social projects in Austria. Connecting People won ahead of 190 submitted projects.

**Belgium:** The new act about health insurance provides that separated children have a specific right to be covered by this insurance within the social security system. The only condition: go to school since three month. It will enter into force on the 1st of January 2008.

**Estonia:** National Contact Points for Unaccompanied and Trafficked Children in Estonia is Ms. Signe Kaplan, Chief specialist of the Social Welfare Department of the Ministry of Social Affairs. Tel: +372 626 92 20; e-mail: [signe.kaplan@sm.ee](mailto:signe.kaplan@sm.ee)

The National Contact Points for Unaccompanied and Trafficked Children are appointed by the respective governments to assist and coordinate questions and requests for information having to do with unaccompanied and trafficked children. The co-operation on unaccompanied and trafficked children involves the 11 member countries in the CBSS co-operation and Belarus, Ukraine and Moldova.

**Netherlands:** Over 15 children and youth psychologists raised their voice against the difficult situation for former separated children. Together they wrote a letter to the Dutch Parliament warning for the severe problems of over 3,400 youngsters who came as separated children to the Netherlands but are undocumented adults by now. They face higher risk for prostitution, criminal behaviour, suicide, exploitation and other forms of abuse, the psychologists say. They see among these youngsters a lot of stress, depressions, anxieties and chronic psychiatric diseases. DCI supported the letter.

**Romania:** Participatory assessment conducted in March 2007 involved refugee children and teenagers. Children's right to opinion, power relations between adults and children and the right to education were analysed during the participatory assessments. Among other findings the following were highlighted: the need to increase the extra-curricular activities, to intensify fundraising activities to complement what is provided by the Government.

Following decentralisation of the asylum system, separated children were accommodated and their claims processed in centres outside Bucharest, which raised concerns with regard to the availability of specialised legal guardians to ensure that adequate care and protection is provided there to separated children seeking asylum.

UNHCR Romania organised in March and May 2007 two training activities targeting child protection authorities in Baia Mare and Suceava, in cooperation with NRO, Save the Children and CNRR. The objective of these trainings was to address challenges that the institutions were faced with regard to protection and assistance for refugee children. The two events took place in the framework of the Task Force on Vulnerable Groups and Asylum Training Board.

The Task Force (composed of representatives from UNHCR, National Refugee Office, five refugee-assisting NGOs, National Authority for Child Protection and Adoptions, asylum courts, IOM, Border Police, Directorate for Child Protection Sector 2), continued to closely monitor the situation of separated children seeking asylum in Romania, finding practical solutions in difficult cases in view of promoting compliance of national legislation and practice with the international standards.

**Switzerland:** At the beginning of May 2007, the directors of the Foundation Terre des hommes 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 to collaborate on the national level on many different issues concerning separated children. In February 2006, these three organisations already organised together a national gathering for professionals who work with Separated Children. A reunion is planned for coming November. All three organisations would like to thank Benoît van Keirsbilck from DCI Belgium for presenting his experiences and the various activities that he and his team organised in Belgium.

**UK:** The parliamentary Joint Committee on Human Rights published their report into the treatment of asylum seekers on March 30 2007. It was highly critical of many aspects of the UK's policies and procedures, and specifically referred to children having a "lower level of protection" than other children in the UK.

The Refugee Council UK has produced an animation illustrating some of the terrible circumstances in which asylum-seekers, who have had their application turned down, find themselves.

The animation can be seen at:

[www.justfair.org.uk/index.html](http://www.justfair.org.uk/index.html)

## Events

### September 18-22 2006, Berlin, Germany

#### Young refugees

Seminar organised by the Federal Working Group Youth Social Work (Bundesarbeitsgemeinschaft Jugendsozialarbeit) a workshop took place. The workshop was held in preparation of a symposium entitled "improvement of the situation of young refugees in Germany", which took place in Berlin from 9 to 10 October 2006. A reader including the statements can now be downloaded at: [www.bumf.de/pdf/Fachpolitisches%20Forum%20\(2\).pdf](http://www.bumf.de/pdf/Fachpolitisches%20Forum%20(2).pdf)

### February 12 2007, Strasbourg, France

#### Conference on the respect of the rights of foreign minors in Europe and against their detention and forced removal.

Organized by Themis and the CIMADE the conference discussed the absence from this proposal of any specific measures covering minors in the proposal for a European directive on common standards and procedures applicable within Member States to the return of illegally-staying third-country nationals at the European Parliament and at the Council of the European Union.

### March 16-18, 2007, Kirchberg, Luxemburg

#### Festival des Migrations.

### March 23, 2007, Sundbyberg, Sweden

#### Seminar for a wide variety of people working with children staying illegally.

Organized by Utanpapper.nu run by Save the Children Sweden.

**April 4, 2007, Ljubljana, Slovenia**

**Training for future volunteers working on the filed of migration, asylum and separated children.**

Organised and implemented by Slovene Philanthropy.

**April 17, 2007, Brussels, Belgium**

**Hearing: Towards an EU Strategy on the Rights of the Child.**

The joint hearing was arranged by six EU committees and one subcommittee. The hearing involved a number of issues, amongst them being children's rights, children and violence, children at risk, plus children and poverty.

**April 20, 2007, Malmö, Sweden**

**Seminar on Children's Rights in Society and the European Refugee Fund - the best interests of the child in the asylum process.**

The seminar addressed those working with asylum seekers such as employees at the Migration Board, healthcare providers and lawyers. The seminar's co-arrangers were among others Save the Children Sweden and the Red Cross.

**May 18, 2007, Zagreb, Croatia**

**Protection of separated children.**

Arranged by Centre for Social Policy Initiatives in partnership with the Ombudsman for Children and the Ministry of Justice. This was the first seminar on unaccompanied minors/separated children for judges from Minor Offences Courts, and professionals from Ministry of Interior (Illegal Migrations) and centres for social welfare.

**May 21-24, 2007, The Hague, The Netherlands**  
**Conference on Children without Parental Care.**

An initiative for knowledge sharing network of best practices and scientific research for all persons concerned about children without parental care. The conference seeks to establish contacts between government representatives, scientists and NGOs, in order to share information and experiences.

Held by World Initiative for Orphans (WIO), at [www.wiorphans.org](http://www.wiorphans.org).

**May 25, 2007, Belgium**

**Migrant children and their family.**

A conference organised by Service droit des jeunes, focusing on various topics for instance the deprivation of liberty of minors including separated children.

**May 25-26, 2007, Tallinn, Estonia**

**International seminar on networking and family work with children and young people victim of trafficking.**

It was the third training of five two-day training seminars spread over thirteen months. The training programme has been carried out in the framework of the project Baltic Sea Region Comprehensive Assistance to Children Victims of Trafficking.

The importance of the family in supporting a young person can never be overestimated and care workers need to develop their expertise in how to create a healing context that works towards including the family in all forms of assistance. The network of relatives, neighbours, friends and other people in the young person's life may also be used as a resource when it comes to assistance.

**May 29, 2007, Stockholm, Sweden**

**Migration & Children's Rights.**

The seminar included a presentation of the report "Child Migration and the Construction of Vulnerability" by Julia O'Connell Davidsson, School of Sociology & Social Policy, University of Nottingham.

**May 29-30, 2007, Bjelolasica, Croatia**

**Protection of asylum seekers: subsidiary protection and the protection of victims of torture.**

Croatian Law Centre organised this seminar for professionals from different fields on the protection of asylum seekers.

**June 7-8, 2007, Strasbourg, France**

**Seminar on the Misuse of the Internet for the Recruitment of Victims of Trafficking in Human beings**

The Council of Europe's Gender Equality and Anti-Trafficking Division of the Directorate General of Human Rights and Legal Affairs organised the seminar to discuss the different methods used for the recruitment of victims of trafficking in human beings on the internet and identify possible legal, administrative and technical measures to combat this misuse.

[www.coe.int/t/dg2/trafficking/campaign/Docs/SeminarsConf/MisuseArt24may\\_en.asp#TopOfPage](http://www.coe.int/t/dg2/trafficking/campaign/Docs/SeminarsConf/MisuseArt24may_en.asp#TopOfPage)

**June 12, 2007, The Netherlands**

**We Want to Stay**

The organisation of children and youngsters joining DCI's test case against the Dutch State about their residence rights organised a demonstration in front

of the court on the first day of the process. [www.defenceforchildren.nl/proefproces](http://www.defenceforchildren.nl/proefproces) (website in Dutch).

**June 13, 2007, Austria**

**The second consensus conference regarding age assessment**

Organised by The Children and Youth Advocacy Austria together with the Kinderstimme Association the aim is to seek new, fairer and better methods for age assessment. UNHCR and UNICEF act as patrons for this event.

**June 14, 2007 Copenhagen, Denmark**

On the basis of the recommendations made in the aforementioned report, Save the Children Denmark is conducting a seminar focusing on identification and appropriate accommodation for children who are assumed to be victims of trafficking.

**June 14-15, 2007, Paris, France**

**Integrating Migrants in the European Union - Learning from Best Practices**

The seminar arranged by The Cicero Foundation is meant for all professionals involved or interested in migration policies from Ministries to NGOs. The aim is to supply an opportunity for international networking and mutually enriching discussions. See [www.cicerofoundation.org](http://www.cicerofoundation.org).

**June 20<sup>th</sup>, 2007, Place d'armes, Luxemburg City**  
**Journée Internationale pour les réfugiés**

**June 25<sup>th</sup>-27<sup>th</sup>, 2007, Geneva, Switzerland**  
**UNHCR's 39th Standing Committee Meeting**

**June 28-29 2007, Brussels, Belgium**

**International Conference on Access to health care for undocumented migrants in Europe.**

Organized by PICUM and EUROCITIES the conference aims to bring together NGOs, local authorities, health care providers, policy makers, researchers and other professionals to discuss the health care challenges facing undocumented migrants. This event will provide a forum to share creative examples and strategies to address the problems associated with insufficient access to health care for undocumented migrants in Europe. Details are available online at: [www.picum.org](http://www.picum.org)

**July 3-5 2007, Dublin, Ireland**

**The European Slave Trade: Character, Causes, Challenges.**

Details online at [www.europeanslavery.com/](http://www.europeanslavery.com/)

**July 10-11, 2007, Brussels, Belgium**

**Global Community Dialogue on Migration, Development and Human Rights (GCD on MDHR)**

The GCD on MDHR will be held on 10-11 July 2007 in Brussels and aims to further develop the human rights of migrants in the context of the increasing promotion of various schemes around migration and development. The working languages will be English, Spanish and French. Participants to the Global Community Dialogue will be representatives from civil society, grassroots migrants' organizations, trade unions and migrants' rights advocates. Workshops and plenary sessions on various issues concerning migrants' human rights will be held with migrants/immigrants in Europe and from around the globe.

For further information contact Baerbel Reissmann, Migrants Rights International, e-mail: [migrantsrightsinternational@gmail.com](mailto:migrantsrightsinternational@gmail.com)

**September 8, 2007, Amsterdam, Netherlands.**

The Dutch Refugee Council, together with 26.000 people, will organise a huge party at the 8th of September in Amsterdam. It is a 'welcoming party' for the asylum seekers who will get a permit to stay under the regularisation measure. [www.26000gezichten.nl](http://www.26000gezichten.nl).

**September 12-14, 2007, Nuremberg, Germany**

**Congress for volunteers who support unaccompanied minors - especially in the field of guardianships for unaccompanied minors.**

Organised by the Federal Association for Unaccompanied Minor Refugees.

**September 28-30, Germany**

**Children in detention**

Conference arranged by the Federal Association for Unaccompanied Minor Refugees in co-operation with "Hilfe für Menschen in Abschiebehaft Büren e.V." and Liborianum Paderborn.

**November 28-30, 2007, Hanover, Germany**

**Biannual conference of the Federal Association for Unaccompanied Minor Refugees.**

## Publications

**Access to work and education for young refugees**

On March 24, 2006 a conference took place in Osnabrück. It was organised by SAGA, an Equal

Project in Osnabrück, which deals with access to labour market and the health system for asylum seekers, as well as the development of self help strategies. A reader with the statements in German language (SAGA: Arbeit für Asylsuchende - Zugangsbarrieren und Zugangschancen) can be found at: [http://www.nds-fluerat.org/wpcontent/uploads/2007/05/fr\\_118\\_saga\\_gesamt\\_komp.pdf](http://www.nds-fluerat.org/wpcontent/uploads/2007/05/fr_118_saga_gesamt_komp.pdf)

### **Action Plan to Combat Trafficking in Human beings 2007–2010**

The Danish Government - in collaboration with the political parties behind the “rate adjustment pool scheme” (“satspulje”) - plan of actions to continue combating human trafficking.  
[http://ligeuk.itide.dk/files/PDF/Handel/Menneskchandel\\_4K.pdf](http://ligeuk.itide.dk/files/PDF/Handel/Menneskchandel_4K.pdf)

### **Asylum**

A documentary film directed by Jenni Linko on three separated young persons in Finland. To order a DVD e-mail to: [info@productionhouse.fi](mailto:info@productionhouse.fi)

### **Bulletin of the Swiss Section of Defence for Children International DCI**

The Foundation Terre des hommes and the Swiss Foundation of the International Social Service were invited to contribute articles about the situation of separated children to the March 2007 Bulletin of the Swiss Section of Defence for Children International DCI. The bulletin can be ordered by e-mailing to: [bulletin@dei.ch](mailto:bulletin@dei.ch)

### **Companion - A campaign guide about education and learning for change in diversity, human rights and participation**

As a part of the Council of Europe’s campaign “All different – all equal” this publication is intended to support campaigners, activists and educators to advocate and educate to reach goals of diversity and respect of human rights. The guide builds on the approaches and methodologies of Compass - the manual on human rights education for young people.

[http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&produit\\_aliasid=2198lang=EN](http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&produit_aliasid=2198lang=EN)

### **Conference on children in migration**

On March 20-21 the conference ‘Focus on Children in Migration - From a European Research and Method Perspective’ was held in Warsaw, Poland. It was co-organised by Save the Children Sweden, the European Network of Masters in Children’s Rights and the Separated Children in Europe Programme.

A conference report has been published and is available at [www.separated-children-europe-programme.org/separated\\_children/publications/reports/index.html](http://www.separated-children-europe-programme.org/separated_children/publications/reports/index.html)

### **Evaluation of the Dublin System**

This report from the European Commission looks into the Dublin System and determining the Member State responsible for the examination of an asylum application in order to avoid a risk of "Asylum Shopping" - a situation where an asylum seeker claims asylum in a number of EU States as well as potential Asylum Seeker in Orbit situations - whereby an asylum seeker is transferred between States with no State willing to take responsibility for examining his/her claim.

The report is available at:

[http://www.ec.europa.eu/commission\\_barroso/fra/ttini/doc/2007/com\\_2007\\_299\\_en.pdf](http://www.ec.europa.eu/commission_barroso/fra/ttini/doc/2007/com_2007_299_en.pdf)

### **Exploring Children's Rights - Nine short projects for primary level**

Aimed to make children realize, appreciate and use their rights this book contains a wide range of learning experiences in children's rights education, and thus the book contains lesson plans seeking to involve the children. The book is made for students at primary school level.

[http://book.coe.int/sysmodules/RBS\\_page/admin/redirect.php?id=36<=EN&produit\\_aliasid=2194](http://book.coe.int/sysmodules/RBS_page/admin/redirect.php?id=36<=EN&produit_aliasid=2194)

### **Greece: Uphold the rights of women and girls trafficked for sexual exploitation**

This report by Amnesty International looks at the enormous scale of trafficking into Greece for forced prostitution, and points to gaps in Greek law and practice on trafficking that undermine the efforts to help trafficked women and girls.

To get a copy of the report go to:

[http://web.amnesty.org/library/pdf/EUR250022007ENGLISH/\\$File/EUR2500207.pdf](http://web.amnesty.org/library/pdf/EUR250022007ENGLISH/$File/EUR2500207.pdf)

### **Identitet okänd – om socialt arbete på grupphemmen för ensamkommande asylsökande barn i Finland.**

By Katarina Lundqvist, Åbo Universitet, Institutionen för socialpolitik, Åbo, September 2006. (A master’s thesis in Swedish, unpublished, contact: [kia.lundqvist@dnainternet.net](mailto:kia.lundqvist@dnainternet.net))

### **Life and Law in Britain: A guide for young asylum seekers and refugees**

The guide provides information to help young

asylum-seekers and refugees understand their rights and responsibilities in relation to everyday needs. It also provides support to workers with a guide to everyday law, helping them to promote inclusion, literacy and legal understanding. Published by the Citizenship Foundation.

[www.citizenshipfoundation.org.uk/llb](http://www.citizenshipfoundation.org.uk/llb)

### **Missing Out**

This report by ECPAT UK on child trafficking in UK finds that an alarming number of children known to be or suspects of trafficking have gone missing. The report concludes that UK immigration control strategies treat these children as illegal migrants first, children second, and this creates a barrier to keeping them safe.

The report can be downloaded for free at:

[www.ecpat.org.uk/publications.html](http://www.ecpat.org.uk/publications.html)

### **Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children**

This consultation paper was launched by the Immigration and Nationality Department of the Home Office. It can be found at:

[www.ind.homeoffice.gov.uk/6353/6356/17715/uas.c.pdf](http://www.ind.homeoffice.gov.uk/6353/6356/17715/uas.c.pdf). The Refugee Council UK response is located at [www.refugeecouncil.org.uk/news/press/2007/march/20070301.htm](http://www.refugeecouncil.org.uk/news/press/2007/march/20070301.htm)

### **Practical manual of the social worker in the asylum facilities in Slovakia**

By Pavol Kopinec, published in 2006.

### **Rapport om handel med børn i Danmark 2006 – kortlægning og praksis, January 2007**

By Inger Backer Neufeld and Casper Strand, Save the Children Denmark. Report on trafficking of children in Danish only.

[www.redbarnet.dk/Default.aspx?ID=5232&M=Shop&PID=15009&ProductID=769](http://www.redbarnet.dk/Default.aspx?ID=5232&M=Shop&PID=15009&ProductID=769)

### **Report of the Special Rapporteur on the Right to Education, Vernor Munoz, Addendum: Mission to Germany, (13-21 February 2006). See:**

[www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.29.Add.3.pdf](http://www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.29.Add.3.pdf).

On the occasion of the visit of the Special Rapporteur a number of NGOs published articles on the right to education in Germany:

Bernd Overwien, Annedore Pregel (Hrsg.):

Recht auf Bildung. Zum Besuch des Sonderberichterstatters der Vereinten Nationen in Deutschland. Verlag Barbara Budrich, Leverkusen 2007, ISBN 978386649-076-5

**Service droit des jeunes** has written and is just about to publish a book on all the rules and regulations concerning separated children. This book is meant to help guardians, accommodation centres, lawyers and social workers in their work with separated children. It will be sent for free to 500 persons.

### **They Are Children Too: a study of Europe's deportation policies.**

Analyzing 150 cases from across Europe Liz Fekete shows how unaccompanied minors, children in families of asylum seekers and those whose parents are without the requisite papers, are being damaged by the harsh, target-driven deportation systems which now prevail across the continent. Published by Institute of Race Relations.

[www.irr.org.uk/2007/march/ak000019.html](http://www.irr.org.uk/2007/march/ak000019.html)

### **The Integration of Separated Minors in Finland: Perception of Professionals.**

By Mary Kathryn Sagaria, University of Helsinki, Institute of Development Studies, Helsinki, December 2006. (A master's thesis, unpublished, contact: [mksagaria@yahoo.com](mailto:mksagaria@yahoo.com))

### **Tracing UMAs' families – A comparative study of some European countries' practices and experiences in tracing the parents or caregivers of unaccompanied minor asylum seekers**

By Danielsen & Seeberg, Norwegian Social Research NOVA Rapport 19 - 2006. The report in English: [www.nova.no/asset/2575/1/2575\\_1.pdf](http://www.nova.no/asset/2575/1/2575_1.pdf)

### **Unaccompanied Minors - rights and protection**

The book by MA at law Kristina Touzenis analyses the international legal framework protecting unaccompanied children in specific situations; refugee children, children in armed conflict, migrant children, internally displaced children, and victims of trafficking.

[www.xledizioni.com/cos%2002%20inglese.htm](http://www.xledizioni.com/cos%2002%20inglese.htm)

### **When is a Child not a Child? Asylum, age disputes and the process of age assessment**

This report by ILPA looks into the large number of cases where separated children seeking asylum in the UK find themselves in disputes about their age. It is being concluded that a large number of children are having their age overestimated, which takes away their rights as children.

[www.ilpa.org.uk/publications/ILPA%20Age%20Dispute%20Report.pdf](http://www.ilpa.org.uk/publications/ILPA%20Age%20Dispute%20Report.pdf)

## Useful web sites

### [www.infomie.net/](http://www.infomie.net/)

This web site created in December 2006 aiming to bring together publications and news on separated children. The site also seeks to set up a community for various people and institutions working with these issues. The website is in French only.

### [www.savethechildren.net/arc/index.html](http://www.savethechildren.net/arc/index.html)

The Action for the Rights of Children (ARC) web page has been updated to include information about the current revision process and the ARC evaluation that was done last year has also been posted. Furthermore, versions in Arabic, Spanish and French are now available on the site.

### [www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain)

Refworld is source of information for making decisions on refugee status. UNHCR is now launching Refworld on the internet.

### [www.utanpapper.nu](http://www.utanpapper.nu)

Website by Save the Children Sweden, which is described as a “help line for children without a Residence permit in Sweden”. The website contains plenty of information - mainly in Swedish but some parts are in five other languages as well.

## Reporting organisations

Asylumcoordination Austria  
Bulgarian Helsinki Committee - Refugees and Migrants Legal Protection Programme  
Caritas, Service Réfugiés, Passe-partout Luxemburg  
The Central Union for Child Welfare, Finland  
Centre for Social Policy Initiatives, Croatia  
Defence for Children International – Netherlands  
Estonian Union for Child Welfare  
Federal Association for Unaccompanied Minor Refugees  
OIWAS – Organisation for the Integration and Welfare of Asylum Seekers (Malta)  
Plate-forme “Mineurs en exil”: DCI (Defense for children International) and Service droit des jeunes (Belgium)  
Refugee Council Ireland  
Refugee Council Netherlands  
Refugee Council UK  
SAMAH

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 UK  
Slovak Humanitarian Council  
Slovene Philanthropy  
Swiss Foundation of the International Social Service  
UNHCR Austria  
UNHCR Ireland  
UNHCR Netherlands  
UNHCR Romania  
UNHCR Spain  
UNHCR Sub-Office Nuremberg

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

Λ = 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	141 (January to April)	432 <sup>1</sup>	134 <sup>2</sup>	N/A	N/A	Russian Fed. (54), Afghanistan (46), Nigeria (40), Serbia (27)	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 : Commissariat général aux réfugiés et apatrides
Bulgaria	N/A	8	73	8 (Jan. till end of May)	8	0	Afghanistan, Iraq, Iran, Bangladesh, Nigeria	State Agency for Refugees
Croatia	4 (A)	5 (A)	4 (E)	5 (E)	N/A	N/A	India, Sri Lanka	Shelter for Asylum Seekers (Ministry of Interior)
Denmark	104 (A)	34 (Jan-March)	N/A	N/A	N/A	N/A	2006: Iraq, Afghanistan, Iran, 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	23 (Jan-April)	N/A	N/A	N/A	N/A	Iraq, Angola, Afghanistan, DRC, Somalia, Ethiopia, Iran	The Directorate of Immigration (DI)

<sup>1</sup> 432 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 358. Another 56 SC were recorded as being younger than 14 years at the time of application.

<sup>2</sup> 134 is the number of asylum seekers recorded as SC (older than 14 Years). In 19 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 115. 7 SC are reported as being younger than 14 years at the time of application.

Receiving country	Figures		Age 15-17		Males	Females	Main countries of origin 2007	Source
	2006	2007	2006	2007				
Germany <sup>3</sup>	186	N/A	N/A	N/A	101	85	Ethiopia (22), Vietnam (20), Afghanistan (15), Pakistan (13), Guinea (11), Iraq (11), Cambodia (8), Eritrea (7), Ivory Coast (5), Russian Fed. (5), Somalia (5)	Federal Office for Migration and Refugees
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 <sup>4</sup>	6551 (E)	N/A	4782	N/A	85 %	15 %	Romania, Morocco, Albania	Committee on Foreign Minors (Ministry of Social Solidarity)
Luxembourg	N/A	N/A	10	1	2006:9 2007:1	2006: 1 2007: 0	Algeria, Guinea, Somalia, Afghanistan, Russia, Burundi, Cameroon, Iran, Zimbabwe	Caritas Refugees Office, Passe-partout
Malta	N/A	N/A	57 (A)	9 A	2006: 48 2007: 8	2006: 9 2007: 1	Somalia, Ethiopia, Sudan, Eritrea, Nigeria, Ghana, Burkina Faso	Admissions to the Residential Homes for UMAS
Netherlands	N/A	N/A	2006: 430 (A)	Jan- April 2007: 204	N/A	N/A	Somalia, Iraq, Afghanistan, Guinea, India	IND (Immi. and nat office)
Norway	349 (A)	99 (A)	290 (A)	90 (A)	2006: 275 (A) 2007: 73 (A)	2006: 74 (A) 2007: 26 (A)	Somalia, Iraq, Afghanistan, Sri Lanka, Ethiopia, Russia	The Norwegian Directorate of Immigration (UDI)

<sup>3</sup> 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.

<sup>4</sup> 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				
Romania	9 <sup>5</sup>	10	9	10	2006: 13, 2007: 9	2006: 1, 2007: 1	Somalia and the Russian Federation.	National Refugee Office, Romanian National Council for Refugees
Slovakia	138 (A)	104 (A)	N/A	N/A	2006: 130 2007: 103	2006: 8 2007: 1	India, Moldova, Pakistan, Bangladesh, China	Migration Office of the Ministry of Interior
Slovenia	26 E	9 E (jan-april)	24	9	2006: 26 2007: 8	2006: 0 2007: 1	Albania, Serbia (Kosovo), Turkey	Slovene Philanthropy
Sweden	820	427 (jan-april)	685	352	2006: 645 2007: 334	2006: 645 2007: 334	Iraq, Afghanistan, Somalia ( <u>obs: ikke nævnt om 2007!</u> )	Migration Board
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
<b>Total arrivals of 20 countries</b>	<b>2006: 12,941</b>	<b>2007: 1,683</b>						

<sup>5</sup> Of 14 declared separated children this 9 were “certified” separated children.

## Statistics on trafficked minors in Europe by June 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 <sup>6</sup>	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 <sup>7</sup>
Croatia	2 (A)	0 (A)	2006: 1 (A) 2007:	2006: 2007:	2006: 2007:		Governmental Office for Human Rights
Finland	2	0	2006: 2 2007: 0	2006: 0 2007: 0	2006: 3 2007: 0	China	The Reception Centre of Oulu
Netherlands	103	N/A	2006: 93 2007: N/A	2006: 5 2007: N/A	2006: 98 2007: N/A	Nigeria, Bulgaria, Romania, China, Poland	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.

<sup>6</sup> “Assumed Victims of Trafficking”.

<sup>7</sup> Inger Backer Neufeld and Caspar Strand, “Red Barnets rapport om handel med børn i Danmark 2006 – kortlægning og praksis”, 2007.