



Separated Children in Europe Programme

NEWSLETTER No. 27 October - December 2006

In this issue:

- p. 1 Programme update
- p. 2 UNHCR
- p. 3 European Union
- p. 4 Committee on the Rights of the Child
- p. 4 European Network of Ombudsmen for Children (ENOC)
- p. 4 Changes and developments in law, policies and practice
- p. 6 Detention
- p. 6 Age assessment
- p. 7 Guardianship
- p. 8 Reception
- p. 8 Missing children
- p. 9 Dublin II practice
- p. 9 Procedures and recognition
- p. 9 Family tracing and reunification
- p. 10 Return
- p. 11 Trafficking
- p. 12 Children and youth participation
- p. 12 Miscellaneous
- p. 13 Events
- p. 14 Publications
- p. 16 Useful web sites
- p. 16 Reporting organisations

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

Programme Update

Two new position papers in the pipe line

SCEP is currently working on two new position papers. Together with the Save the Children Brussels Office and Save the Children's Child Trafficking Response Programme South-East Europe, SCEP is finalizing a position paper on *Preventing and Responding to Child Trafficking in Europe*. Additionally, in follow-up to the recent position paper on the use of biometric data, SCEP is also drafting a *position paper on age assessment*. Both papers will be discussed and further recommendations formulated during the next SCEP NGO Network meeting in March 2007.

New EC Daphne funded project

SCEP will begin implementing a new project supported by the EC Daphne Programme in February 2007. The project entitled "Networking with Youth to Combat Violence against Separated Children" aims to strengthen youth participation in preventing violence against young migrants and asylum seekers by supporting a European forum of separated children and youth as well as to raise awareness about the importance and value of youth participation by exchanging good practice. More information is available from lbr@redbarnet.dk.

The SCEP management have represented the Programme at the following events:

September 26-27 Kyiv, Ukraine
La Strada annual NGO Platform meeting
www.lastradainternational.org

November 2-3 , Strasbourg, France
Council of Europe – Anti-trafficking training for
Roma mediators from Albania, Slovakia and
Moldova
www.coe.int/T/DG3/RomaTravellers/Default_en.asp

November 13-14, Florence, Italy
Euronet-UNICEF conference on the implement-
ation of children's rights in Europe
www.crin.org/hrbap/index.asp?action=theme.infoitem&item=11247

November 29-30, Lisbon, Portugal
Portuguese Refugee Council's VII Congress

Changes with NGO partners & UNHCR

Belgium: UNHCR SCEP Focal Point is Aintzane de Aguirre, e-mail: AGUIRRE@unhcr.org

Finland: SCEP NGO contact person at Central Union for Child Welfare is Anna Mikkonen, e-mail: anna.mikkonen@lskl.fi

Greece: UNHCR SCEP Focal Point is Kalliopi Stefanaki, e-mail: stefanak@unhcr.org

Malta: SCEP NGO contact person at OIWAS – Organisation for the Integration and Welfare of Asylum Seekers is Jesmond Debono, e-mail: jesmond.a.debono@gov.mt

Poland: SCEP NGO contact person at Nobody's Children Foundation is Gabriela Roszkowska, e-mail: groszkowska@fdn.pl

Updated contact information for the SCE Programme management, NGO Network and UNHCR Focal Points is available at www.separated-children-europe-programme.org/separated_children/about_us/contacts/index.html

UNHCR

As EU-wide minimum standards for granting refugee status take effect, the UN refugee agency in October urged member states to live up to their legal and moral obligation to protect refugees and asylum seekers by maintaining the highest possible asylum standards.

By 10 October 2006, EU countries were required to have implemented the so-called "Qualification Directive," which sets out minimum standards for qualification for refugee status or other forms of international protection in the European Union.

An important aspect of the directive is its recognition that the 1951 UN Refugee Convention, as currently interpreted, may not cover all those in need of protection. The Qualification Directive codifies a uniform status, which it terms "subsidiary protection," for people who don't fall under the 1951 Convention's refugee definition but nonetheless face "serious harm" in their countries of origin – death, torture or life-threatening situations such as indiscriminate violence in armed conflict situations.

Among other important provisions, the Qualification Directive confirms that acts of a gender-specific nature can constitute persecution. Gender-related persecution has increasingly been recognized as falling within the scope of the 1951 Refugee Convention's definition. Furthermore, the directive clarifies that people may need protection regardless of whether they face persecution by states, warlords, militias or other private actors, and thus puts an end to a decade-long controversy in Europe.

The Qualification Directive is but one element of a common European asylum policy, the prerequisite of which is that refugees are able to access European territory and the asylum procedure. Tight border control measures make this increasingly difficult. Another important element of the common system is the establishment of asylum procedures which identify protection needs quickly and correctly.

In November, UNHCR welcomed proposals from the European Commission which recognise that asylum must be a key part of any measures to control migration, including along Europe's southern borders.

The proposals, published in an EC communication on "Reinforcing the Management of the Southern Maritime External Borders of the EU," respond to

calls from European Union member states for measures to strengthen their capacity to prevent and manage what they describe as "migration crisis situations."

The EC also issued a further communication entitled, "The Global Approach to Migration, One Year On." The paper, which summarises progress in 2006 in EU efforts to deal with migration challenges, also highlights the vital need for the EU to maintain asylum and protection as major elements in its collaboration with third countries on migration.

High Commissioner for Refugees António Guterres welcomed the Commission's recognition that asylum must be an important feature of the EU's border and migration management strategies.

The High Commissioner recalled that UNHCR recently issued a series of proposals to help governments identify refugees among groups of migrants, so that their international protection needs can be addressed.

UNHCR's ten-point plan of action underlines the need for states to include the necessary provisions to detect people who need protection as soon as they come into contact with the authorities.

UNHCR confirmed its willingness to participate in developing the ideas presented in the EC communication, including the concept of "asylum expert teams" to help EU states facing strains on their capacity to receive and respond to arrivals.

The UN refugee agency also welcomed the opportunity to contribute in a more structured way to the activities of the External Borders Management Agency, or Frontex. This could include establishing contact points, training, coordination and other steps to ensure access to asylum determination processes and effective protection in the EU to those entitled to it.

www.unhcr.org/news/NEWS/456f087e2.html

UNHCR's recommendations to the EU German Presidency: On January 1, 2007, Germany will take over the Presidency of the EU. In a public document presented to the German government, UNHCR makes a series of recommendations on key refugee protection issues. In particular, UNHCR encourages the Presidency to lead a wide-ranging discussion on the steps needed to complete the establishment of a Common European Asylum System by 2010.

The full version of "UNHCR's recommendations to the German Presidency of the European Union, January-June 2007" can be found at www.unhcr.org/protect/PROTECTION/457ebab92.pdf

European Union

In October, ECRE published an Information Note on the Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status (the "Procedures Directive"), which entered into force on 2 January 2006 and must be transposed into the national legislation of Member States by 1 December 2007.

The adoption of this Directive represents another step towards the development of a Common European Asylum System, as called for at Tampere in 1999, and the fifth and final provision of the first stage of this process, as laid out in the Amsterdam Treaty. ECRE acknowledges the importance of developing minimum standards on asylum procedures, particularly for Member States with less developed asylum systems. Nevertheless, ECRE believes that this Directive falls well short of the standards conducive to a full and fair examination of an asylum claim. ECRE is profoundly disappointed that the recommendations issued during the drafting process of this Directive, by UNHCR, NGOs and other civil organisations, as well as the opinion of the European Parliament, have not been taken into account. The Directive is the subject of a challenge by the European Parliament currently pending before the European Court of Justice.

The document is available at www.ecre.org.

On 16 November the European Parliament adopted a report on trafficking in human beings drafted by Slovak MEP Edit Bauer. The report, which stresses the need of victim identification and protection, formulates recommendations for an integrated action plan and coordinated measures by Member States. It proposes a European anti-trafficking day on 25 March.

Specific provisions in relation to children include a call on the EU Member States to "respect in their legislation as well as in their administrative practice the UN [Convention on the Rights of the Child] definition of the child, i.e. every human being below the age of 18 years"; and to ensure that the best interests of the child is a primary consideration during the whole decision-making process and in all actions concerning children.

The report also says that "Member States shall ensure that a child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child and that the

views of the child are given due weight in accordance with the age and maturity of the child". Special protection measures for children and a child protection policy according to UNICEF Guidelines and Reference Guide should be implemented in both countries of origin and destination, including more street social work, family assistance, building a safety net for children, more information on the risks of unsafe migration, and assisted returns according to the views and best interest of the child. Finally, Member States should fully implement the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption to avoid illegal adoption.

Almost a week after the adoption of the report, Commissioner Franco Frattini, responsible for Justice, Freedom and Security, while speaking at an International Seminar on Trafficking and Sexual Exploitation organised by IOM, emphasized victim protection and deplored Member States' lack of commitment.

www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2006-0498&language=EN

In December the Council of the European Union agreed on a follow-up to the Action Plan on Trafficking, available at www.statewatch.org/news/2006/dec/eu-trafficking-best-practices-dec-06.pdf

Committee on the Rights of the Child

The Netherlands: Jaap Doek, chairman of the Committee, criticised the policy of detaining asylum seeking children in very clear and strong words on the Dutch national Radio. (KRO 1, Dingen die Gebeuren, 13 November 2006)

European Network of Ombudsmen for Children (ENOC)

At the Annual Meeting in Athens on 26-28 September 2006, ENOC approved a Position Statement on State Obligations for the Treatment of Unaccompanied Children.

This statement is addressed in particular to the governments of all European Union Member States. ENOC also supports and recommends to governments the General Comment N.6 (2005) of the UN Committee on the Rights of the Child on

“Treatment of Unaccompanied and Separated Children outside their Country of Origin”.

The position statement presents 14 principles of treatment of unaccompanied children as well as commitment to action.

ENOC's position statements and all details of the Network and its member-institutions are at www.ombudsnet.org

Changes and Developments in Law, Policies and Practice

Germany: On 17 November 2006 the Interior Ministers from Germany's 16 federal states agreed to give tens of thousands of long-term asylum-seekers the chance to legally remain in the country, giving preference to those who already have jobs. This longstayer regulation applies to single persons who have stayed in Germany for at least eight years or families with underage children who have stayed in Germany for at least six years.

Although NGOs and UNHCR pledged for a special regulation for adolescents who came to Germany as separated children, practice so far shows that most federal states are of the opinion that former separated children can benefit from the longstayer regulation only if they have been in Germany for at least eight years and fulfil all other conditions.

Malta: The representatives from OIWAS together with the Policy Advisor from Ministry for Family and Social Solidarity emphasised with the Health Authorities so that the fast tracking procedure for medical clearance of children in detention will take the least possible time.

A change in the practice of medical clearance has been established and it is now agreed that the chest x-ray together with the mantoux test for Tuberculosis clearance are done before they are released from the closed centre so that the children can immediately benefit from the preventive treatment when needed.

The respective homes hosting families with children and separated children are using a draft Service Agreement which is being presented to each family/separated child as a contract between the service user and the provider. This service agreement is temporary since the government is in the process of standardising a common service agreement for all centres.

A national data base has been set up and the accommodation centres for separated children are now online. This will be monitored by the Placement Officer at Ministry for Family and Social Solidarity so that he/she can project accommodation needs for the immediate future for separated children arriving in Malta.

The Netherlands: The recent elections brought a left wing majority in the Parliament. At their first working day the new members of Parliament voted in favour of a 'general pardon' for asylum seekers who arrived to the Netherlands before 1 April 2001. The current government refuses to follow the wishes of the Parliament in this and the subject has become a major point in the negotiations for the next government.

A general pardon is being expected and this will bring a release for a lot (estimated 2000) of now 18+ separated children in the Netherlands.

In December, the outgoing Dutch government vetoed a motion by the country's new parliament to grant amnesty to thousands of failed asylum seekers. The motion was passed by one vote, thanks to a swing from right to left in recent Dutch polls.

The motion referred to about 26,000 failed asylum seekers who entered the country before tougher immigration laws were introduced in 2001. About half are thought either to have been sent home or to have left of their own accord.

An opinion poll in October showed 63% of Dutch people supported an amnesty for the rest, some of whom have been living in the Netherlands for more than a decade.

[news.bbc.co.uk

Norway: There has been an intensive debate in Norway regarding the conditions and the long period of time which asylum seekers waiting in the asylum centres are forced to endure. Many have been waiting for many years, either for a decision on their case or because they either cannot be returned or will not accept return to their home country. To day over 440 children have been living in reception centres for more than 3 years.

In August the Norwegian Ministry of Labour and Social Inclusion issued a policy saying that the Migration Department, UDI, and the UNE will not make any decisions in asylum or immigration cases including minor asylum seekers that have been living in Norway for more than 3 years, waiting for a decision on their case.

The interruption of case handling means that the obligation to return to home country on the basis of decisions made by the UDI is temporarily suspended. The reason is that the Norwegian authorities are working on a new legislation. The new legislation will focus on the children and those who feel attached to the Norwegian society as a result of staying here for a long time.

The Greenpaper is in these days on hearing. The new legislation is supposed to be implemented in the spring 2007.

Save the Children Norway has for a very long time been working to ensure that separated children in Norway are better cared for and that their rights are fulfilled.

Together with 13 other Norwegian NGOs, Save the Children did some advocacy addressing the authorities to ensure that the child welfare system will take the responsibility for the care situation for separated children in Norway.

To day, the immigration authorities have the responsibility for caring for this group. After a lot of work and advocacy this autumn from Save the Children and the other NGOs, the Ministry of Children and Equality will, in October 2007, transfer the responsibility of care for the youngest separated children, those under 15 years, to the child welfare system. An important principle about non-discrimination has been stated! Now we have to make sure that the children between 15-18 years also get the same care by the child welfare system.

Slovakia: Refugees threatened with death or torture in their countries will be allowed to stay longer in Slovakia while seeking asylum, the parliament announced in December.

The amendments to the law on foreigners adopted by lawmakers also allow victims of human trafficking to prolong their stay in Slovakia to obtain a residence permit and to work.

The amendments, tailored to comply with EU legislation, will become effective January 1, according to a statement by parliament.

More than 50,000 people, mainly from former Soviet republics, the Middle East and other parts of Asia, applied for asylum in Slovakia after it became independent in 1992. Only 600 were granted asylum.

Slovenia: The document "Programme for children and youth 2006 – 2016" was adopted by the Slovene government on 5 of October 2006.

In this document separated children are mentioned as a group who needs special attention and whose

rights should be respected and their best interests should always be considered.

A special section on separated children was prepared by UNHCR Representation in Slovenia and Slovene Philanthropy.

Spain: The Canary Islands continue to be a point of arrival of unaccompanied minors although the numbers have decreased since the summer.

Due to the situation of overflow of the Protection Centres for Minors, on the 18th of September the Spanish Government organised a meeting of the Consejo Superior de la Inmigración with the autonomous communities. The aim was to elaborate a Reception Plan to transfer 500 of the more than 900 minors accommodated in the Canary Islands to the Peninsula.

In October, the minister, Jesus Caldera, declared the government's commitment to carry out the transfer in some weeks, but only 93 minors have been transferred by December.

In mid November, the Spanish regions governed by the Popular Party had not yet offered places for the 500 undocumented children arriving in Canary Islands to whom the central government is seeking to relocate.

[Source: medios.mugak.eu/noticias/noticia/79492]

UK: The government has published a consultation paper on all children in public care. Save the Children has received assurances that any reforms will apply equally to separated and indigenous children. However, we all remain concerned because the government continues to describe separated children as having "different needs" from other children, and plans to publish a separate paper in January giving details of how they should be cared for (see previous newsletters re Reform Programme).

The Scottish Executive launched the National Plan for Race Equality Strategy in December which includes a number of recommendations for improving support and services for separated children in Scotland. The first Joint Inspection of Children's Services conducted under the new children's services and protection legislation in Scotland is focussing on services provided to asylum seeking children in Glasgow. The inspection report will help inform national guidance on quality indicators for these services.

Detention

Malta: Separated children are kept in closed centres for the minimum length of time needed to assess age and get medical clearance. Age is assessed within seven working days from the referrals. It should be noted that medical clearance might take more time than what is desirable due to limited resources in the health centres in Malta and the increase of asylum seekers arriving.

The Netherlands: The Inspection for Youth Care has written an analysis about the treatment of separated children in the prison of Tilburg, mostly 16 and 17 years old boys.

There is just one hour a week of education arranged for them, there is no proper support from social workers. The boys do not have a guardian.

The boys spend between three weeks to three months in the prison, there is no time limit. The Inspection concludes that the separated children lack protection and proper care.

Spain: Some minors that arrive in the Canary Islands declare to be adults. They are transferred to the Peninsula and then reveal their real age. They prefer to avoid staying in the Island and sometimes, since they are considered adults, they spend some days in detention.

Age Assessment

Malta: The age assessment that was set up at the beginning of 2005 was having some difficulties with reaching a consensus. This was due to the lack of a formal policy with set criteria to be followed. Due to this the Ministry for Family and Social Solidarity set up a working group to draw up a draft policy. Malta got information through the SCEP network with regards to how the Age Assessment Panel functions in other European countries.

The working group is also looking at the possibility to use a second type of examination to verify the age of particular cases of asylum seekers claiming to be separated children. This would help to lessen the abuse of those claiming to be minors when they are not and at the same time protect the minors who are currently following a specific program targeting their vulnerable age.

The Netherlands: There has been some fuss around a thesis three medical students did on the age assessment of separated children. The centre

where the age assessment is conducted protested about some critical notes of the students. The High School decided to change some passages.

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

Guardianship

Germany: In October 2005, an amendment to Section 42 of the German Youth Welfare Act entered into force, which obliges Youth Authorities to provide age-appropriate accommodation and to appoint a guardian for all unaccompanied minors up to the age of 18.

The continuous monitoring of the implementation of Sec. 42 of the Youth Welfare Act shows an insufficient implementation of the new regulation. A working group established in spring 2006 by the Family Ministry, the States' Aliens Authorities and the Federal Office for Migration and Refugees to work on common guidelines on how to implement the regulation has not yet come up with a result.

As a pilot project, the Bavarian government established two reception centres for separated children (see below under "Reception") in Zirndorf near Nuremberg and Munich, where all asylum seeking minors in Bavaria above the age of 16 are accommodated and guardians are appointed.

Minors below the age of 16 are as a rule taken into custody and guardians are appointed.

Hungary: The Office of Immigration and Nationality is working on the extension of the scope of the Act on Child Protection to foreign children so that indeed all children, inclusive of asylum-seekers and beneficiaries of subsidiary protection will be covered.

Luxembourg: Caritas undertakes the guardianship of 16 minors at the moment.

The Netherlands: Nidos, the organisation for guardianship, is no longer responsible for the reception centres for separated children (above 12). Nidos supports the foster families for the younger separated children. COA (Central Reception for Asylum seekers) is to take care for the separated children from the beginning of 2007.

Spain: On November 4 the Ombudsman of Aragón transmitted to the Government of Aragón, the representatives of the three provincial capitals, the Government Delegation and to the Public Prosecutor a joint declaration on behalf of the Spanish Ombudsmen concerning the responsibility of the public administrations towards separated children.

This declaration contains 10 principles of which should especially be noted::

- The competent public administrations of the autonomous communities have to take immediately the guardianship of the minor, while examining his case, in order to offer the minor the possibility to access the social and educational resources and vocational trainings. The request of his residency permission has to be processed as soon as it is proved the impediment of the family reunification, without waiting the 9 months period (it has to be considered as the maximum time in accordance with the interpretation of the law, Regulation, Real Decreto 2393/2004).

- Minors have the right to receive legal assistance independent of the administration in charge of their guardianship.

- Coordination between the autonomous communities and administrations has to be improved in order to guarantee an equal service

- Accommodation centres have to be provided with the necessary sanitary and educational resources.

- Minors cannot be repatriated without a real guarantee that the family reunification is in the best interests of the child.

- The decision must take into account the opinion of the minor that has the right to be heard.

UK: Asylum-seeking children who arrive in Scotland on their own are to be assigned guardians after research found they are being failed by mainstream social services for young people.

The Scottish Refugee Council's decision to develop the Separated Children's Service comes in response to research by the Glasgow Centre for the Child and Society.

As unaccompanied asylum-seeking children are protected by provisions within the Children (Scotland) Act 1995, local authorities are currently responsible for their welfare.

Simon Hodgson, head of policy and communication at the Scottish Refugee Council, said the three-year pilot project, due to commence next year, was still in need of £350,000 in funding.

"The plan is that we will have a case worker or guardian who would be advocating with the social work department about the child's care provisions and ensuring their asylum cases were handled properly by their lawyers," he said. "We identified a gap in terms of social workers who are totally expert on looking after children, but who don't have a clue about the asylum process."

Guardians will be responsible for monitoring each child's asylum application. The service will also help the children access mental health services to deal with the trauma of leaving their families as well as the conflicts they may have witnessed in their home countries.

Since 2001, 188 unaccompanied asylum-seeking children have come to Scotland.

[www.sundayherald.com/news/heraldnews/display.var.1066429.0.0.php]

Reception

Germany: On 30 November 2006, a new reception centre for separated children above the age of 16 opened in a separate building but on the premises of the regular reception centre in Zirndorf, Northern Bavaria. A similar centre had been opened in Munich, Southern Bavaria, in spring 2006. Both special reception centres were developed as pilot projects to improve the reception conditions for separated children above the age of 16 without discharging them from the duty to be initially received in a regular reception centre.

The minors are taken on custody as laid down in Section 42 of the Youth Welfare Act and a guardian is appointed. During a so-called "clarification phase" phase of two months social workers have to examine what kind of further support the adolescent needs. In co-operation with the social workers the youth authorities then will decide if the adolescent should be accommodated in a youth welfare home, a centre for adolescent asylum-seekers with social workers who could support the adolescents or in a regular accommodation centre without any special care. Health care and German language courses as well as family tracing are included in the concept.

Malta: Another home hosting 18 separated children and eleven families with children has been set up. This centre received the first children in October 2006.

By mid December all current minors in detention were to attain medical clearance and to be

transferred to this home that will be run by professional workers. The aim of the program within this set up will be that of integrating, educating and giving a safe and homely environment for the separated children.

Norway: A working group at the Norwegian Department of Migration has written a report where the main focus is the situation for the children who are living in reception centres in Norway. The report gives some proposals about the procedure for processing asylum applications and how to improve the situation for the children in reception. The report is not yet public.

Sweden: Between January and November 2006, 675 separated children have arrived in Sweden, the majority in the second half of the year.

This high number of arrivals coincides with the transfer of responsibility for housing of separated children from the national Migration Board to the municipalities. As a result of that, more than 160 children (by December) are stuck in temporary transit-style accommodation (not specialised in the needs of separated children) in four municipalities closest to Sweden's international airports. They are awaiting transfer to more long-term accommodation facilities in other municipalities.

Save the Children and other actors in civil society are urging other municipalities to enter into agreements with the Migration Board and offer accommodation to asylum seeking separated children.

Missing Children

Luxembourg: 1 young teenager disappeared in August 2006.

The Netherlands: To reduce the number of disappearances of under aged asylum seekers through trafficking, the Council of Ministers agreed to launch a pilot by Spring 2007. Children in high-risk groups will be taken care of in small scale relief centres in which they get intensive and personal care. Foremost, the children will be made conscious of situations of exploitation they can encounter. Only with consent and when possible under supervision, the under aged can leave the relief centre.

[www.minaz.nl/actueel/persber_minraad/index.html]

At the moment this special protection is implemented for Nigerian girls because of their high prevalence in child prostitution. The girls are brought to school, they have to ask permission for outdoor trips and the entrance is guarded.

Dublin II practice

UK: A Refugee Council briefing, published November 2006, looks at the impact of the European regulation known as ‘Dublin II’ on unaccompanied children in the UK. It explains how the regulation works in practice and discusses how the regulation could be implemented differently by the UK to ensure that unaccompanied children receive the protection and care they need. It also recommends changes to the regulation itself and uses real examples to illustrate the current difficulties encountered by unaccompanied children seeking asylum subject to this regulation.
www.refugeecouncil.org.uk/NR/rdonlyres/B9B09830-1009-4ECE-A26A-E4882398E160/0/dublin_II_regulation.pdf

Procedures and Recognition

Norway: The Directorate for Immigration does not have official statistics on the number of separated children who were granted asylum so far in 2006. By the end of September this year 13 separated children were granted asylum. 32 separated children were granted residence permit on other protection grounds. And 35 were granted residence permit on humanitarian grounds. The children who get residence in Norway are primary from Somalia, Afghanistan, Iraq and Russia.

Spain: In Spain there is only a small number of minors in the asylum process. At the same seminar “Cooperation, migration and infancy in Spain and Morocco”, Helena Maleno explained that one of the reasons for this is the lack of information provided about their rights once they arrive. Some are former child soldiers in Costa de Marfil and DRC. When they escape to Morocco, the government does not provide protection and does not recognise their right to apply for asylum. The minors who reach Spain, even those already recognised as refugees, do not apply for asylum presuming that they will not be protected.

Sweden: A new Aliens Act and asylum procedure entered into force in April 2006. The recognition

rate for separated children by November 2006 was 44% in the first instance (the Migration Board). The recognition rate for 2005 was 18 %. More than half of the children have been granted a residence permit on humanitarian grounds.

UK: Two significant cases have ensured greater protection for asylum seekers in the UK. The “Fornah” case saw the House of Lords recognise a woman who fled female genital mutilation as a refugee, with one law lord stating that this decision was significant for “many other women in the world who face similar fears”. She added that women are “just as worthy of the full protection of the refugee convention as are men who flee persecution because of their dissident political views”.

In another judgement, *R v Soe Thet*, the Lord Chief Justice ruled that a conviction for the offence of failing to produce a passport at an immigration interview, or on arrival at a port of entry to the UK, does not apply if the defendant travelled to the UK with a false passport or without a passport. Many asylum seekers who have been convicted of this offence can now appeal against their conviction.

The EU Qualification Directive took effect in the UK from 10 October 2006.

Family Tracing and Reunification

Finland: For the first time, the Finnish authorities have managed to trace the guardians of two unaccompanied minor asylum-seekers in their native countries.

The search was conducted by the International Social Service ISS, commissioned by the Finnish Directorate of Immigration.

This was a trial to establish the changes needed in the Immigration Act to implement the EU directives. As of the beginning of February, the Directorate of Immigration is to make efforts to find the guardian of an unaccompanied minor asylum-seeker as soon as possible.

The future task of the Directorate will be difficult. The process will start with an interview of the asylum-seeker or his or her representative, in order to find where he or she went to school, who the teacher was, or who the relatives are.

A total of 96 unaccompanied minors sought asylum in Finland in the course of February through November 2006. In 2005 the number of asylum-seeking minors was 220, and in 2004 some 140. The purpose of such search effort is to create a

connection between a child and his or her guardian, as every child is entitled to have personal relations and connections with his or her parents or other persons with parental rights. However, no search is to be conducted without the consent of the child.

Another aim is to learn more information about the background of the child, thus improving the possibilities of the Directorate of Immigration to make a decision on the child's application for asylum.

A potential family reunification could take place either in Finland or in the country where the guardians are staying.

The trial search involved four unaccompanied minor asylum-seekers whose family members or other guardians were being sought. The guardians of two minors were found in their home country, while one child's guardians could not be traced at all, and for the fourth child, the search is still incomplete.

As expected, the search cost around EUR 4,000 to 5,000 per one asylum-seeker.

Malta: Two separated children travelled to the United States in December to be reunified with family members who reside in the US.

IOM has prepared the necessary documents and medical reports required for the minors to enter the US.

Procedures are being followed so that a female separated child from Somalia will be adopted by an uncle who resides in the UK.

The Netherlands: There is an important change in the rules for family reunification. Before it was very difficult to reunite a family if the members lost contact for more than five years. The Minister considered the family life then as 'non existing'. Under pressure of the European Court of Human Rights' jurisprudence this policy has been changed. All family members, ie children and their parents, are considered to have family ties.

Norway: NOVA – a research institute under the auspices of the Norwegian ministry of education and research – is doing a comparative study on family tracing and reunification concerning separated children.

The study will look into experiences and practice in other European countries. By the end of the study, in January 2007, there will be some recommendations regarding how the Norwegian immigration authorities should handle these issues.

Return

Spain: Repatriation of minors is carried out without guarantees and not in respect of their rights, despite the fact that Spain has one of the most progressive laws of Europe. It cannot be considered to be family reunification (as it should be according to the law) because the family of the minor is not even informed. Investigation on the condition of the family and its capacity to take care of the child is not carried out.

In 2005, 61 minors were returned to their country of origin, while in the first 9 months of 2006 alone the number was 97.

On September 24 the police in Madrid executed two orders of return of minors. As in other cases since last April, an urgent court order suspended one of them and the police was immediately informed. Despite this, the return was not stopped and the minor was transferred to a prison in Tanger. The guarantees provided by the law in the case of repatriation were not applied: the minor was not informed of the repatriation order, he was not heard and he did not have the possibility to speak with his family and a lawyer.

The other minor who was returned was on the same flight and was taken to a police station in Tanger. He was 15, had been living a year and a half in Spain and was doing a plumbing course. The judge did not accept the appeal from the lawyer (who had the authorisation of the minor) explaining that his legal representative (Child Protective Services of the Community of Madrid) had not presented the appeal.

This violates the Spanish legislation that recognizes minors' capacity to act autonomously in order to protect their fundamental rights, their right to be heard and the right to be defended by an independent lawyer.

It is remarkable that several judges, just few minutes before the airplanes took off, as an urgent measure have stopped the return of separated children who were going to be repatriated to Morocco, had the children taken off the airplane and appointed an independent lawyer to defend the rights of this child, because it was considered that the minimum guarantees had not been respected and the child was at risk

But what is more important, now we have two Court decisions saying that there is a violation of the children's fundamental right to be defended and that children have the right to be heard and defended by an independent lawyer, as adults,

especially in situations like return. The Courts said that it is discrimination that adults have these rights and children not. So the Court has stated that children must be defended by an independent lawyer and heard in all cases of return.

Senegal is the country of origin of nearly half of the immigrants that arrived to the Canary Islands in 2006. The Spanish Government has, during an official visit to Senegal, been negotiating with the Senegalese Government in order to reduce the immigration flow to Spain. On December 5 an agreement was signed to return the Senegalese minors that arrive illegally in Spain (just minors, not adults), in exchange for providing work permits for Senegalese people. Both countries agreed to facilitate the reunification of the minor with his family or with institutions of protection in Senegal and to follow his social integration once repatriated. Spain committed to hand over all the information of the case within 10 days and Senegal to carry out the identification of the minor and his family within 20 days.

We do not know the exact terms of the agreement and the guarantees planned, but the Memorandum on return with the Moroccan authorities agreed on December 2003 continues to be contested by NGOs. The Memorandum intends to facilitate returns of minors to the country of origin, Morocco, without the observance of the minimum guarantees.

Trafficking

New OSCE representative on combating human trafficking

Ms Eva Biaudet, a Finnish parliamentarian, was appointed Special Representative on Combating Trafficking in Human Beings in October 2006.

In November Ms Biaudet called on the Organization's 56 participating States to strengthen the implementation of their commitments to combat human trafficking.

In her first speech to the OSCE's Permanent Council (OSCE's main regular decision-making body), Ms Biaudet said the Organization is uniquely placed to battle trafficking because its participating States have made substantial political commitments to do so. She also underlined the crucial role individual countries play in this fight.

Ms. Biaudet outlined four priorities for 2007: translating knowledge into policy, improving strategic communication, building capacity and

strengthening institutions, and reporting on human trafficking in the OSCE area.

She also said she would focus particularly on areas that have not yet received adequate attention, such as human trafficking for labour exploitation, links between migration and human trafficking and safe return or stay.

Denmark: The period covered by the first Danish Action Plan on Trafficking ended by the end of November 2006. The Government is currently finalizing a new action plan covering all forms of trafficking in human beings.

Save the Children Denmark has written a report on the experiences gained in this period in order to make recommendations for the coming Danish Action Plan. The report contains an overview of the cases in Denmark, based on the documentation Save the Children has gathered via questionnaires sent to the professional guardians. Additionally, the report contains recommendations concerning the Danish practice regarding identification, the role of the professional guardians, age assessment, accommodation and return.

The report is in Danish and is available at www.redbarnet.dk/Default.aspx?ID=5727&M=Shop&PID=14651&ProductID=769

Germany: On 7 December, IOM Germany in cooperation with the Bavarian Social Ministry organized a conference in Munich on the issue of trafficking (the third conference in a row).

Main focus was placed on improving the networking structures between governmental agencies, NGOs and other actors involved, and the situation for victims of trafficking in the forthcoming new EU member states Bulgaria and Romania.

Expert speakers included Ms. Lora Lalova, NGO Animus, Sofia, Ms. Jana Hennig, IOM, and Ms. Sabine Wenningmann, EU Commission.

Norway: In December The Norwegian Ministry of Justice and the Police published a new Action Plan to Combat Human Trafficking (2006-2009) – Stop human trafficking.

In the Action Plan there is a chapter about child trafficking and there are several measures that are related to the special needs of children.

In Norway there is documentation that indicates that several separated children are being exploited and are victims of human trafficking in Norway. The police is investigating cases about human trafficking where separated children are involved.

One of the measures in the Action Plan is related to more information and knowledge about separated children's rights and their right to protection. And more focus on children who disappear from reception centres.

Spain: At the seminar "Cooperation, migration and infancy in Spain and Morocco" (see below) the journalist Helena Maleno explained the situation of some unaccompanied minors, especially girls, who are trafficked to Spain and forced into prostitution. It is difficult to keep track of them and to establish the dimension of this phenomenon. Some of them are abducted from their family or the family sells them. The girls could be raped during the transfer and suffer repeated sexual harassment. A big part suffers sexual health problems, the pimps force them to take a strong medicament called Zitotec, that provoke abortions - in some cases girls had to take this medicament when they were 6 months pregnant or they had up to 8 abortions in 1 year with this method.

UK: In October 2006 the UK Human Trafficking Centre (UKHTC) opened to coordinate efforts to combat trafficking.

The first of its kind in Europe, the UKHTC aims to increase knowledge and understanding of human trafficking among police and partner agency staff and encourage the public to come forward with information.

See www.ukhtc.org.

Children and Youth Participation

Germany: From 18 to 22 September a workshop for young refugees, organised by the Federal Working Group for Youth Social Work (Bundesarbeitsgemeinschaft Jugendsozialarbeit), took place in Reimlingen, Bavaria.

12 adolescents from different countries of origin (Russian Fed., Lebanon, Sierra Leone, Sudan, Togo, Kosovo, Iraq, Algeria and Eritrea) met to discuss their experiences with regard to the reception conditions, the asylum system, the access to education and vocational training and to develop best practice models.

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.

The adolescents had the possibility to express their views in four different working groups and to discuss their ideas with experts and politicians.

Both the workshop and the symposium were organised by the Federal Working Group for Youth Social Work in co-operation with the Federal Association for Unaccompanied Minor Refugees (B-UMF).

Malta: Some of the separated children met the Minister for Family and Social Solidarity in occasion of Children's Day. Other unaccompanied minors and families with children participated in the various activities organised for the Children's Day.

Miscellaneous

The organisation International Advocates for Children decided to pick up a new name as per 1st of October: World Initiative for Orphans. And as subtitle: The Global Partnership on Children without Parental Care.

WIO is an independent, non-profit human rights organisation for orphaned and abandoned children worldwide. Children who are deprived of the guidance and protection of their primary caregivers are more vulnerable to health risks, violence, exploitation and discrimination and they are often deprived of education. WIO strives to guard the fundamental needs of this disadvantaged population by engaging in advocacy, education, problem analysis, and the development of solutions based on sound research that can be applied by countries and NGO's worldwide.

www.wiorphans.org

Malta: Dar is-Sliem has now become part of OIWAS – Organisation for the Integration and Welfare of Asylum Seekers which caters for families with children and unaccompanied minors together with centres for adult asylum seekers.

Norway: Nestekjaerlighet.no ("love of one's neighbour") is a signature campaign for a more humane asylum policy in Norway. The campaign is initiated by private individuals.

Save the Children Norway, The Norwegian Organisation for Asylum seekers (NOAS) and the Norwegian church have made the demands. These are our demands:

1. UN recommendations must always be followed in Norwegian asylum policies. Nobody must be

forcefully returned to their country of origin in violation of UN recommendations.

2. No child must stay in a reception centre for more than two years. All children are entitled to safe upbringing under stable and predictable conditions. No one should be deprived of their childhood.

3. Every child that comes to Norway without a guardian must be given protection and care. The child care services must take over the guardianship for unaccompanied minors NOW.

4. Asylum seekers from certain conflict areas and totalitarian regimes can for various reasons not be returned to their country of origin after receiving a negative decision from the immigration authorities. If they still cannot be returned four years after they came to Norway, they should be given safety and stability and granted a residence permit.

5. Countries which have suffered prolonged war or conflict in many cases do not have the basic preconditions and structures necessary for taking care of particularly vulnerable groups. Persons with serious physical or psychological injuries after war or abuse and disabled with special needs must never be returned if this implies a risk to life or of suffering that could have been avoided in Norway.

On the 20th December the Norwegian Minister of Labour and Social Inclusion got all the signatures from this campaign as a Christmas gift.

For more information, go to www.nestekjaerlighet.no.

UK: The Refugee Council have launched a new campaign tackling the issue of asylum seekers and destitution called Just.Fair www.refugeecouncil.org.uk/gettinginvolved/campaign/just_fair

Events

18 - 22 September 2006, Reimlingen, Germany

9 - 10 October 2006, Berlin, Germany

Workshop for young refugees held in preparation of a **symposium entitled "Improvement of the situation of young refugees in Germany"** which took place in Berlin in October with approx. 100 persons attending.

Both events were organised by the Federal Working Group for Youth Social Work in co-operation with the Federal Association for Unaccompanied Minor Refugees (see above under: Children & youth participation).

26-27 September, Kyiv, Ukraine

La Strada annual NGO Platform meeting

www.lastradainternational.org

18 October 2006, Ljubljana, Slovenia

Conference on enforcement of Council of Europe Convention on Action against Trafficking in Human Beings

Organised by the Slovene Ministry of Interior and the International Documentation Centre of the Council of Europe.

Slovene Philanthropy had a presentation "Separated children as potential victims of trafficking in human beings".

2-3 November, Strasbourg, France

Anti-trafficking training for Roma mediators from Albania, Slovakia and Moldova

Council of Europe

www.coe.int/T/DG3/RomaTravellers/Default_en.asp

12 November 2006, Budapest, Hungary

Migrant Children's Day at the Central Arts Centre of Budapest

It was the first time to display the diversity and rich cultural traditions of children living in Hungary. The family program had a lot of publicity before and after the event. Several Hungarian families spent that rainy Sunday together with refugees coming from the reception centers, around 500 visitors at all ages.

The interactive program constituted of concerts, dance-shows, puppet-show, craftsmanship, making of Henna-tattoos and Afro-plaits.

The local representation of UNHCR is keen on joining Menedék and the Arts Centre in organizing the next event as a part of the celebration of the World Refugee Day 2007.

13-14 November, Florence, Italy

Conference on the implementation of children's rights in Europe

Euronet-UNICEF

www.crin.org/hrbap/index.asp?action=theme.infoitem&item=11247

17 November 2006, Madrid, Spain

Cooperation, migration and infancy in Spain and Morocco

Seminar organised by Save the Children Spain

The aim was to debate the situation of the Moroccan children in Morocco and Spain and to give the possibility to improve the cooperation

between organisations and actors involved in this sector.

Representatives of the Spanish and Moroccan Governments and NGOs from both countries participated in the seminar.

The recently introduced Spanish National Plan for the Protection of the Childhood in Morocco was presented by the Spanish Agency of International Cooperation (AECD) that underlined the need to improve the public system of protection of separated children in Spain but also in Morocco, working with the family and through the training of social workers.

Between other initiatives, there is the commitment to work on the repatriations of minors and to improve the situation of minors once repatriated.

According to Carolina Mayeur, General Subdirector for the cooperation with Mediterranean Countries, minors under 14 should be repatriated because the better place for them is with their family. The situation is different when they are 15 because they can enter in the working sector.

29 November 2006

Exploited, vulnerable, alone: Learning from experiences of trafficked children and young people

Roundtable and reception hosted by the European Parliament.

The event was organized in collaboration with NSPCC, a British organization that works in order to promote trafficking victims' rights.

www.nspcc.org.uk/europe

29-30 November, Lisbon, Portugal Portuguese Refugee Council's VII Congress

2-3 December 2006, Dolenja vas pri Catezu, Slovenia

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

Organised and implemented by Slovene Philanthropy as a 2-day weekend event.

Beneficiaries were also future guardians (Slovene Philanthropy volunteers, students of social work, social and refugee workers), and representatives of some organisations active in the field of migration and asylum (GOs and NGOs). The total number of participants was 20. The Statement of Good Practice was also presented.

6 December 2006, Berlin, Germany

Interdisciplinary and practice-oriented expert meeting on education for young refugees with approx. 45 participants, among them some young refugees.

The meeting was organised by the Berlin Institute for Christian Ethics and Policy (ICEP) and the Federal Association for Unaccompanied Minor Refugees (B-UMF).

The expert speeches and discussions were focused on the legal background, pedagogical concepts and results, the relevance of education seen from an ethical/human rights perspective, and the needs, problems as well as the political requests.

Expert speakers were Prof. Dr. Lothar Krappmann, German member of the UN Committee on the Rights of the Child, Dr. Claudia Lohrenscheidt from the German Institute for Human Rights and the children's rights expert Erich Peter.

A reader (in German) will be published during the first half of 2007.

Publications

A briefing on the Dublin 11 Regulations and how they impact on separated children.

Produced by the Refugee Council.

www.refugeecouncil.org.uk/policy/briefings/2006/unaccompaniedchildren.htm

Collection of International Instruments and Legal Texts Concerning Refugees and Others of Concern to UNHCR

This new edition, which supersedes the last one issued in 1995, features significant changes and contains over 240 essential universal and regional instruments and texts concerning refugees and other persons of concern to UNHCR.

It should more effectively than ever before complement the legal work in all corners of the world to promote and improve the protection of refugees and other groups envisaged in the scope of the instruments and texts.

www.unhcr.org/publ/PUBL/455c460b2.html

Combating the trafficking in children for sexual purposes: a Training Guide

Combating the trafficking in children for Sexual Purposes: Questions and Answers

Publications that resulted from the Multi Stakeholder Training Programme on Trafficking in Children in Europe, by the ECPAT Europe Law

Enforcement Group, co-ordinated by ECPAT The Netherlands.

The publications are the result of the two year project, in which we have developed and tested training material in ten Eastern and Central European countries. In the sphere of this project about 400 law enforcers and caregivers working with trafficked children have been trained and 20 professionals have been trained to be trainers. Both publications have been launched the 13th of December in The Hague during a Roundtable organised together with Europol.

www.ecpat.net/eng/pdf/Trafficking_Report.pdf

Education of Roma children in Europe - Texts and activities of the Council of Europe concerning education. 121 p.

The Council of Europe has organised numerous activities involving Roma. This publication was compiled as part of the "Education of Roma children in Europe" project, which is responsible for implementing Recommendation No. R (2000) 4 of the Committee of Ministers to the member states on the education of Roma/Gypsy children in Europe. It outlines the Council of Europe's official texts on Roma and Travellers, highlighting references to education. The resulting summary gives an overview of the working context for these texts, their implementation and the activities of the Council of Europe in this area.

Price : 19 €/ 29 \$ + 10% postage

E-mail : publishing@coe.int

To order directly:

book.coe.int/sysmodules/RBS_page/admin/redirect.php?id=36&EN&produit_aliasid=2141

Making Separated Children Visible: The Need for a Child-Centred Approach. The Irish Refugee Council, Dublin, December 2006.

The report advocates changes in legislation, policy and services to deal with the specific needs of separated children, in line with international best practice.

Recommendations include extending social work services in Ireland to a 24-hour service, accommodation centres for separated children coming under the remit of the Social Services Inspectorate and an arrivals project in Dublin airport.

www.irishrefugeecouncil.ie/pub06/children.pdf

Red Barnets rapport om handel med børn i Danmark 2006 – kortlægning og praksis [Save the Children Denmark's report on trafficking of children in Denmark 2006 ; survey and practice].

Inger Neufeld & Caspar Strand, Red Barnet, January 2007.

www.redbarnet.dk/Default.aspx?ID=5727&M=Shop&PID=14651&ProductID=769

Return Migration in Austria is the contribution of the National Contact Point (NCP) Austria to the third European Pilot Study on Return Migration in the EU Member States, which is compiled by the European Migration Network (EMN).

The study deals on the one hand with voluntary return of persons, who make the free and informed decision to return to their home country, and on the other hand with the forced return of persons, who have to leave the country for different reasons. The Aliens' Police Act regulates the latter with coercive measures carried out by the Aliens' Police.

After giving an overview on various definitions and concepts and statistics on return in Austria, the study sheds light on the political and legal framework, the return measures in Austria and bi- and multilateral cooperation in the field of return. Available from IOM Austria

Besides the Austrian NCP, country studies will be compiled by the NCPs of Belgium, Germany, Estonia, Greece, Italy, Latvia, the Netherlands, Sweden and United Kingdom. Based on these country reports, the Scientific Coordinator of the EMN will compile a Synthesis Report, which will summarise the main results.

www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/return_migration_austria.pdf

Seeking Asylum Alone

The comparative report:

www.humanrights.harvard.edu/conference/SAA_Comparative_Report.pdf

The US report:

www.humanrights.harvard.edu/conference/Seeking_Asymylum_Alone_US_Report.pdf

The Australian report:

www.humanrights.harvard.edu/conference/SAA_Australia.pdf

The UK report:

www.humanrights.harvard.edu/conference/SAA_UK.pdf

For general information on the Human Rights at Harvard, please see www.humanrights.harvard.edu

Seeking Asylum Alone UK. Jacqueline Bhabha and Nadine Finch.

The research is part of a larger study into the treatment of such children entitled 'Seeking Asylum Alone' which to date has involved similar research in Australia and the United States. The UK report was co-authored by Jacqueline Bhabha of Harvard Law School and Nadine Finch, a barrister at Garden Court Chambers.

'Seeking Asylum Alone' UK examined the treatment of separated and trafficked children seeking asylum within the UK. It sought to establish whether the asylum determination process assisted or hindered their pursuit of protection and whether this process complied with regional and international human rights standards. The research uncovered a pervasive tension between the Government's commitment to ensure children were protected from abuse whilst they were in the United Kingdom and the imperative of increasingly strict immigration controls. This led to there being a culture of disbelief in relation to the accounts given by children. Often they were not even believed to be children at all.

Copies of the report can also be downloaded from www.gardencourtchambers.co.uk/ and CDs of the report can be obtained on request.

State of the World's Children 2007. Unicef, December 2006.
www.unicef.org/sowc07/report/report.php

Useful web sites

www.coe.int/t/dg2/trafficking/campaign/default_EN.asp - The Council of Europe's website for the Campaign to Combat Trafficking in Human Beings

www.humantraffickingsearch.net - The National MultiCultural Institute's (NMCI) web portal is now multilingual and includes online videos through its Human Trafficking TV.

The portal is searchable by keyword, by country and by theme in 14 languages including Spanish, French, German, Italian and Czech. Brief videos produced by UNODC, UNICEF, IADB, WITNESS and others have also been made accessible on the site.

HumanTraffickingSearch.net and its "deep search" engine provide information on such topics as: Human Trafficking, Child Labour, Forced Labour and Sex Slavery.

HumanTraffickingSearch.net has over 16,000 Web entries of information and resources on issues related to human trafficking and modern-day slavery from around the world. It offers a vast amount of information, updated regularly, on over 120 countries through a broad range of articles, research studies, case studies, an international map, a data map on child labour, a daily news service, and brief videos.

Malta: www.tfal.org.mt - Commissioner for Children

Reporting organisations

Bundesfachverband UMF
Caritas Luxembourg, Service réfugiés, Passe-partout
Defence for Children International - The Netherlands
Menedék (Hungary)
OIWAS – Organisation for the Integration and Welfare of Asylum Seekers (Malta)
Refugee Council (UK)
Save the Children Denmark
Save the Children Norway
Save the Children Spain
Save the Children Sweden
Save the Children UK
Slovene Philanthropy
UNHCR BO London
UNHCR Spain
UNHCR Sub-Office Nuremberg

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