



## Separated Children in Europe Programme

# NEWSLETTER No 24

## January - March 2006

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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

### EU Working Group

Together with Save the Children, SCEP has submitted a brief paper with recommendations to the European Commission in light of the current review of the Dublin II Regulation. The recommendations have been formulated on the basis of case studies provided by partners in the SCEP NGO Network. The full text can be downloaded from [www.savethechildren.net/brussels](http://www.savethechildren.net/brussels)

### SCE Programme meetings

SCEP is preparing for its regular NGO Network meeting, which will take place in Warsaw in May. The meeting will focus on issues such as age assessment and participation.

SCEP partners will also participate in a special one-day seminar entitled 'How to make children visible in migration!' This seminar supported by Save the Children Sweden aims to:

- raise awareness about the situation of children in migration
  - exchange good practice with regards to ensuring the rights of children in migration
  - promote networking and to propose recommendations for concrete future joint action
- A report including presentations and recommendations from working groups will be available after the seminar.

## Changes with NGO partners & UNHCR

### Ireland

New UNHCR SCEP Focal Point: Protection Officer Emilie Wiinblad Mathez, [wiiinblad@unhcr.org](mailto:wiiinblad@unhcr.org)

### Italy

New UNHCR SCEP Focal Point: Senior Protection Officer Odile Krugell, [krugell@unhcr.org](mailto:krugell@unhcr.org)

### Malta

has become a new member of the SCEP. The NGO partner organisation is Dar is-Sliem and the contact person is Elaine Micallef, [darisliem@waldonet.net.mt](mailto:darisliem@waldonet.net.mt)

UNHCR SCEP Focal Point: Senior Protection Assistant Neil Falzon, [neilfalzon@camline.net.mt](mailto:neilfalzon@camline.net.mt)

### Romania

New contact person at Save the Children Romania: Stefania Ionita, [stefania\\_ionita@salvaticopiii.ro](mailto:stefania_ionita@salvaticopiii.ro)  
New UNHCR SCEP Focal Point: Asylum/Reception Officer Florentina Covaliu, [COVALIU@unhcr.org](mailto:COVALIU@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)

## Statement of Good Practice launch

SCEP presented its Statement of Good Practice to the EU Presidency on 17th March in Vienna at a high-level conference on combating trafficking organized by the OSCE.

More than 400 participants received the Statement of Good Practice and information on how to receive it in their own language.

The conference focused on the special needs of traumatized child victims and good practice measures for training law enforcement and other practitioners who work with children.

### Albania

Save the Children Albania has translated the Statement of Good Practice into Albanian and are printing it in 1000 copies.

In addition, we are organizing a roundtable with the participation of the key stakeholders from government, IOs and NGOs, to introduce the SGP and also to open the dialogue with the government for the repatriation of minors in general and the

immediate plan of action for the implementation of the bilateral agreement with Greece. The roundtable will take place the first week of April.

### Austria

On January 26 the German edition of the Statement of Good Practice was presented to the public in the course of a press conference. Some Austrian newspapers and three radio stations have already reported about this event. Within the next weeks there will also be a report on public TV (ORF) about the Statement of Good Practice and the situation of separated children in Austria.

### Bulgaria

The Bulgarian version of the Statement of Good Practice was launched at 24.01.2006 in the Conference Hall "Matti" at the National Palace of Culture. For the event we elaborated desk calendars and pens with the SCEP logo and these of the Bulgarian Helsinki Committee and UNHCR to be distributed to the participants together with the Statement of Good Practice.

The invitations were sent to 50 persons from relevant governmental institutions such as ministries as well as to Judges from the Sofia City Court and the Supreme Administrative Court, Agency for Social Welfare, Social Workers, State Agency for Child Protection, State Agency for Refugees, non governmental organizations as well as International Governmental Organizations as UNHCR and UNICEF, Lectures from the Pedagogy Faculty at the Sofia University and journalists.

A press release was distributed to the main media several days before. At the day of the event we had a live interview on the Bulgarian National radio.

The event started with three short presentations on the International instruments for the child protection, the Statement of Good Practice and Bulgarian policy and practice concerning the protection of separated children and then a discussion was opened.

During the Statement of Good Practice presentation the children from the Integration Centre at the State Agency for Refugees showed their drawings in a specially organized exhibition with an auction.

The event was followed by a cocktail for the guests. The Statement of Good Practice launching was realized with the support also of UNHCR BO Sofia.

## **Czech Republic**

From the Czech Republic, the Counselling Centre for Refugees (CCR) participated in the joint launch of German Statement of Good Practice in Vienna on 26.1.2006 together with NGO partners and UNHCR from Germany and Austria.

CCR prepared a press release and had the event covered by Czech media (Czech TV, radio).

In March 2006 the Czech version will be disseminated to all relevant organizations, Ministries, police, social workers etc. in the Czech Republic. It is also being presented and discussed on the Steering Committee organised by CCR.

## **Nordic countries and Baltic States**

On February 20 the members of the Separated Children in Europe Programme (SCEP) from Denmark, Estonia, Finland, Latvia, Lithuania, Norway and Sweden together with UNHCR Regional Office in Stockholm and organized a joint launch of the newly revised Statement of Good Practice for separated children in Europe.

## **Poland**

The Expert Round Table "Separated Alien Children in Poland" took place on the 20th February 2006. The purpose of the meeting was to overview regulations and practice relating to presence of separated alien children in Poland in the perspective of "The Statement of Good Practice" references.

The planned outcome of the meeting was to identify major gaps in regulation and practice and to propose solutions.

To participate were invited all the professionals working with unaccompanied alien minors in Warsaw and the surroundings: representatives of all involved Ministries (responsible departments), the Police, Border Guards, Office of Repatriation and Aliens, the Central Reception Centre, local authorities (person responsible for aliens in Warsaw administrative region), Homes of Children who receive alien children; Crises Centers and involved NGOs: Association of Legal Intervention, Clinic of Law, Polish Humanitarian Organisation and others.

In the discussion participated about 30 persons (only three of invited institutions were not represented).

During the meeting there were short presentations on the situation of the separated alien minors in Poland at different stages of procedures given by representative of the institution that take care of the child at this stage, followed by discussion.

Several gaps were identified, some were concerning the law (very difficult and not clear situation of

abandoned children in Poland; Chechnyan children coming with documents which are not recognized in Poland; contacting embassies for translators) and practice (situation in crises centres, disappearances of children – different perspectives of different institutions).

The Ministry of Social Affairs is going to prepare the statistic showing the amount of alien children in different care institutions in Poland and proposed to organize the training for all crises centres about the situation of unaccompanied minors.

## **Slovakia**

The Statement of Good Practice was disseminated by the Headquarters office of labour, social affairs and family to all offices of labour, social affairs and families in Slovakia (42 districts), also to the Ministry of labour, social affairs and family, to the Migration office of the Ministry of Interior, UNHCR and to Comenius University.

In January 2006 Headquarters of labour, social affairs and family arranged a coordination meeting of all offices of labour and the Ministry of labour. At this meeting the Statement of Good Practice was discussed.

## **Slovenia**

A round table on separated children issues in Slovenia and the Statement of Good Practice was organised and held by Slovene Philanthropy on 24 January 2006.

Participants were representatives of the Ministry of Interior (Asylum and Immigration and Refugees Sections, Centre for Foreigners, Police), the Ministry of Labour, Family and Social Affairs, representative of the Ombudsman institution, UNHCR and representatives of other governmental and non-governmental institutions involved in providing assistance and protection to illegal migrants, asylum-seeking and refugee separated children.

Objectives were presentation of separated children issues in Slovenia, presentation of the Statement of Good Practice and to raise awareness on separated children related issues among relevant authorities and practitioners.

## **Spain**

Financed by the Daphne project the 3rd edition of the "Statement Of Good Practice" of the Separated Children in Europe Programme, was presented the 10th March in Madrid.

On the occasion of this event Save the Children and UNHCR, with the collaboration of the Spanish

Ministry of Labour and Social Affairs, organized a round table under the title “The participation of unaccompanied foreign children: The right to be heard”.

Representatives of almost all domestic bodies involved in the day-to-day work with unaccompanied minors were present and participated in the discussion about the right of children to be heard both in the asylum procedure and the immigration procedure.

A document containing the most important problems on this matter and a series of proposals to address them is being elaborated. It will be distributed among the Spanish competent authorities in the field and will be followed-up by the participating organisations.

### Switzerland

On the 15th of February 2006 in Bern, a national conference on separated children was organised by a joint initiative of the foundations Terre des Hommes, the International Institute for the Rights of the Child and the Swiss branch of the International Social Service ISS.

Beneficiaries were representatives from the local social services responsible for separated children, NGO's and other related organisations active in the field of unaccompanied minors.

During this conference a special attention was paid to the situation of separated minors without any legal status as well as to the practices of professionals in the different regions of the country. Several disparities were pointed out. This conference might be the beginning of a Swiss network or forum for separated children.

The conference was also the occasion to promote the “Statements of Good Practice”. German and French versions have been offered to the 70 participants of the meeting.

The press release of the national conference can be read (in French) on: [www.childsrights.org](http://www.childsrights.org)

## UNHCR

UNHCR is revising its Guidelines on the protection of Refugee Women and girls.

These guidelines are being revised by UNHCR and will also cover the protection of internally displaced women and girls during voluntary repatriation and reintegration.

The objectives of these guidelines are to increase awareness of staff of UNHCR, to enhance their understanding of their responsibilities to protect

women and girls in situations of displacement, return and integration.

The process of revising the Guidelines is ongoing and inputs from NGOs (best practices, experiences, materials/tools) are strongly encouraged and welcomed. For more information and to contribute your feedback please contact Diane Goodman: [GOODMAN@unhcr.org](mailto:GOODMAN@unhcr.org)

See previous Guidelines (1991): [www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3d4f915e4](http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3d4f915e4)

UNHCR is updating its 1996 “Voluntary Return and Repatriation Handbook”

The aim of the revision is to generate a user-friendly and practical material to protect IDPs, returnees and others of concern to UNHCR. Emphasis will be put on practical guidance. NGO inputs are strongly encouraged. The final draft of the Handbook is expected for end May-end June 2006. For more information and to contribute your feedback please contact Henk Van Goethem: [vangoeth@unhcr.org](mailto:vangoeth@unhcr.org)

See previous handbook (1996): [www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3bfe68d32](http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3bfe68d32)

## European Union

The Commission moves to strengthen practical cooperation between Member States on asylum management

In the Communication on Strengthened Practical Cooperation, the Commission presented its vision of how Member States should further cooperate on asylum with a view to the establishment of a fully harmonised EU system. The Communication sets out a work programme for operational cooperation between Member States which should lead to improvements in the efficiency and the quality of the asylum systems of Member States.

The Communication comes as a response to the European Council's call for intensified practical cooperation between EU Member States in the field of asylum. The adoption of the Asylum Procedures Directive last December marked the completion of the first stage of the Common European Asylum System. Now the EU will step up cooperation on asylum and by 2010 aims to have a fully harmonised common system.

The Hague Programme – endorsed by the European Council as the EU's workplan for Justice

and Home Affairs until 2010 - set three objectives for practical cooperation on asylum:

- The establishment of a Single Procedure for all applications for international protection;
- A common approach to Country of Origin Information (the information used to make decisions on asylum claims); and;
- How the EU should address particular pressures on asylum systems and reception capacities caused for example, by the geographic position of a Member State.

The Communication sets out a programme of activities in each of these areas, aimed at developing a European best practice and improving in general the quality of our asylum decision making through cooperation and solidarity. This will include ensuring that Member States consider all possible reasons for protection in one procedure when examining applications so that delays, repeat applications and abuse of the asylum system are minimised; the development of a common database of information on the countries where asylum seekers come from; and the pooling of resources and expertise to address reception and asylum processing issues for sudden arrivals of large numbers of asylum seekers at the external border of the EU.

The EU intends to establish an Asylum cooperation network between Member States to manage the exchange of information and the development of best practice.

[Brussels, 17 February 2006]

[http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2006/com2006\\_0067en01.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2006/com2006_0067en01.pdf)

A major piece of legislation on asylum - the Directive on minimum standards on procedures for granting and withdrawing refugee status in the member states (2005/85/EC) - has been challenged by the European Parliament before the EU Court of Justice. The EP's Legal Affairs Committee decided unanimously on 23 February to lodge an appeal against the Directive. MEPs are furious at the Council of Ministers' failure to retain any of the 174 amendments passed by Parliament on 27 September 2005. Even though legally they are only consulted in a single reading on the Directive, MEPs feel their advice should not have been totally ignored.

The Council rejected the amendments since it had already struggled to secure a compromise on the text in April 2004. It was not keen to re-open the

debate on this sensitive dossier which, moreover, required unanimous agreement. Parliament wanted a text more favourable to asylum-seekers - in particular it does not want claims from nationals of so-called "safe" countries to be automatically rejected. The Commission is indeed due to table a list of such countries in the coming months.

This issue may spark further disagreement between the Council and the EP. Directive 2005/85/EC requires the adoption of a list of safe countries by qualified majority of the Council with consultation of the EP. Under the terms of the EC Treaty, all future proposals on asylum should be adopted under the co-decision procedure. However, according to the Council, the list of "safe" third countries is a throwback to the first legislative package introducing minimum standards, on which the EP only had to be consulted.

European Commission work programme for 2006: Justice and home affairs issues:

[www.statewatch.org/news/2006/feb/com-forward-program-jha-06.pdf](http://www.statewatch.org/news/2006/feb/com-forward-program-jha-06.pdf)

Full programme:

[www.statewatch.org/news/2006/feb/com-forward-program-06.pdf](http://www.statewatch.org/news/2006/feb/com-forward-program-06.pdf)

Commission Communication on Thematic programme for the cooperation with third countries in the areas of migration and asylum COM(2006) 26 final

[www.statewatch.org/news/2006/jan/com-third-coun-mig-26.pdf](http://www.statewatch.org/news/2006/jan/com-third-coun-mig-26.pdf)

Médecins du Monde (Mdm) has issued comments on the European Directive on common standards and procedures for returning illegally staying third-country nationals published on 1 September 2005. Mdm advocates for a stop to the deportation of seriously ill foreigners who cannot get access to effective health care in their countries of origin. Consequently, MDM requests the introduction of an amendment to article 6 on the 'Return decision' of the directive saying that 'for any person suffering from a serious illness, Member States grant an autonomous residence permit or another authorization conferring the right to stay and real access to health care, unless it can be proved that he/she can receive appropriate treatment and medical care in his/her country of origin.'

[www.medecinsdumonde.org/](http://www.medecinsdumonde.org/)

The Odysseus Network has been selected through a call for tender by the European Commission to undertake, with the support of the UNHCR, the

study on the implementation of the directive 2003/9 of 27 January 2003 laying down minimum standards for the reception conditions of asylum seekers.

The study to be done in 2006 will be comparative and cover the 23 Member States bound by the directive. It will focus on legal aspects in order to find out if Member States respected their obligation of transposing correctly the directive into national law and will include as much as possible the practical aspects.

A report for each Member State will be prepared by the Members of the Odysseus Network for June 2006 and a European synthesis for September. An open final conference will be organised at the end of September and the results in principle published in a book.

Apart from the contacts with the Member States' administration in charge of the organisation of reception conditions, a questionnaire will be sent in April to some reception centres and NGOs in each country in order to collect information on the practice. The questionnaire will be in English, but answers can be drafted in the language of your Member States if you do not speak English. The national reports and the European synthesis only available in English or French will be made public for final comments.

If you are interested by this study and would like to be informed about its progress and results, you are kindly invited to send to the email address below a message with the indication "study reception conditions" in the subject and including your name, function, organisation and personal details. Please mention in particular if you are ready to complete the questionnaire on the practical aspects. You can also submit directly a statement about the implementation of the directive as well as proposals to improve it.

[odysseus@ulb.ac.be](mailto:odysseus@ulb.ac.be)

Université Libre de Bruxelles, Institute for European Studies

## Committee on the Rights of the Child

The CRC Committee had its 41st session from 9-27 January 2006. This was the first session during which the Committee operated in 2 separate chambers and the new setting has operated very well, allowing for more state parties reports to be examined and to let the Committee deal with other business (General days of discussions, general comments, meeting with states parties, etc.) in more

details. The expertise is evenly shared between the two chambers and the Committee members and NGOs have adjusted well to the new practice. Unedited concluding observations of the countries reviewed could be found at

[www.obchr.org/english/bodies/crc/crcs41.htm](http://www.obchr.org/english/bodies/crc/crcs41.htm)

The 42nd session will be held in from 15 May – 2 June. For the list of countries to be reviewed and relevant documents see

[www.obchr.org/english/bodies/crc/crcs42.htm](http://www.obchr.org/english/bodies/crc/crcs42.htm)

The Committee has agreed that its 2006 Day of General Discussion will focus on 'the child's right to be heard' which will be held on 15 September in Geneva.

SC PEN-CHP (Professional Exchange Network - Child Participation) has been following the process, provided the Committee with written input, and attended the meeting with the Committee and UNICEF.

A public communication by the Committee will be made available. In anticipation to it, the possible working groups in which the day of general discussion will be divided will include the child's right to be heard in judicial and administrative proceedings, children's participation in family and society and additional groups on children's organisations and/or emergencies. Please check the web site of the Committee for updates:

[www.obchr.org/english/bodies/crc/discussion.htm](http://www.obchr.org/english/bodies/crc/discussion.htm)

The Committee also proposed the development of a General Comment on Article 12 (respect for the views of the child). A General Comment would provide guidance to governments on how to implement Article 12 and is therefore an important opportunity for Save the Children to influence governmental support for children's participation.

### Denmark

In the beginning of March, Save the Children Denmark delivered a report to the UN Children's Committee about the implementation of the Optional Protocol to the Children's Convention regarding the sale of children, child prostitution and child pornography. The report is not yet available online, but can be obtained from [in@redbarnet.dk](mailto:in@redbarnet.dk).

### Hungary

Concluding Observations, Convention on the Rights of the Child

The Committee welcomes that the Hungarian Penal Code has applied the definition of trafficking as contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), however regrets that the ratification of the above mentioned Protocol still remains pending since its signature on the 14 December 2000.

[www.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_HU\\_N\\_CO\\_2.pdf](http://www.ohchr.org/english/bodies/crc/docs/co/CRC_C_HU_N_CO_2.pdf)

The Committee was concerned about the situation of Roma children, and brought recommendations in a number of areas. See a comment:

[www.errc.org/cikk.php?cikk=2133](http://www.errc.org/cikk.php?cikk=2133)

### **Ireland**

As a result of the workshops on the CRA run by the Irish Refugee Council with separated children in their hostels, a letter written by young asylum seekers to the Committee on the Rights of the Child is published in the Irish children's report to be sent along with the Irish shadow report to the Committee in Geneva.

The letter in the children's own words is powerful and speaks of children's experience in the asylum process. The bright and colourful children's report will be launched in spring and will be available at the Children's Rights Alliance web-site:

[www.childrensrights.ie](http://www.childrensrights.ie)

A young refugee boy was part of the steering group which designed the report and chose the cover and material to be included. The shadow report will also be published by June and will be available on the same web-site.

### **Italy**

Concluding Observations, Optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography.

Postponed to the 42nd session

### **Lithuania**

Concluding Observations, Convention on the Rights of the Child

While welcoming the Programme for the Prevention and Control of Trafficking in Human Beings for 2005–2008 and recent amendments in the national penal code, the Committee is concerned at the information that a high number of children under 18, especially adolescent girls, are still being trafficked for the purpose of sexual exploitation.

[www.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_LTU\\_CO\\_2.pdf](http://www.ohchr.org/english/bodies/crc/docs/co/CRC_C_LTU_CO_2.pdf)

### **The Netherlands**

The periodic report of the Netherlands was considered at the thirty-fifth session of CRC (see CRC/C/15/Add. 227, 26 February 2004).

On the issue of refugees and asylum seeking children the Committee is concerned that in the Netherlands the definition of an unaccompanied minor seeking asylum does not conform to international standards.

The Committee was also concerned that the determination and rejection of a significant and increasing proportion of applications for refugee status through the 48-hour accelerated procedure was not in keeping with article 22 of the Convention and international standards.

Finally, the Committee was concerned that children whose applications for refugee status have been rejected are detained in closed camps with limited possibilities for education and leisure activities.

Therefore the Committee recommended that the State party in the Netherlands:

(a) Review the Aliens Act of 2001 and its application to ensure full conformity with international standards applicable to refugees and with the Convention;

(b) Change the definition in the Act of unaccompanied minors seeking asylum so as to bring it into line with international standards;

(c) Ensure that the determination of refugee status of minors conforms to international standards, and consequently reconsider the 48-hour accelerated procedure;

(d) Ensure that the detention of children whose applications for refugee status have been rejected is used only as a measure of last resort, and that all children awaiting expulsion receive adequate education and housing.

### **Romania**

In 2004 the Task Force on Separated Children was established at the national level and by the end of 2004 was extended to Vulnerable Groups (Task Force on Vulnerable Groups, hereinafter called TFV), composed by representatives of NRO, Directorate for Child Protection, UNHCR, NGOs. Its aim is to promote best practices on vulnerable cases, including "best interest of the child".

### **Slovakia**

A meeting is being prepared for with the responsible person from the Ministry of Foreign Affairs. The representative is responsible for the preparation of reports to the Committee about the

situation of respecting the rights of children in Slovakia.

### **UK**

The UK government is to launch the reporting process for the report to the UNCRC at the end of March. It will start its consultation with NGOs prior to preparing the report which is due in 2007.

## **Changes and Developments in Law, Policies and Practice**

### **Austria**

The National Coalition, which is a network of important Austrian child rights organisations, expressed serious concerns about the new Act on citizenship. Because of the massive criticism and the public awareness, the government was forced to make some minor corrections. But still, in future it will be much harder to become an Austrian citizen. The regulations will also affect separated children, so it is expected that in future family reunification will be more difficult than until now.

### **Bulgaria**

The State Agency for Refugees together with the Bulgarian Helsinki Committee and the UNHCR is working on the proposal for the amendments of the law on Refugees and Asylum. The proposal is not submitted to the Parliament yet.

### **Czech Republic**

In preparation for the 2005 Annual Report on the human rights situation in the Czech Republic, UNHCR has submitted its inputs to the Government Human Rights Commissioner who publishes the report.

Among the concerns, UNHCR highlighted the prevailing situation of separated children which included disappearances, delays in the asylum procedure, detention of the age group between 15–18 years, and lack of documentation for separated children who do not apply for asylum.

The annual report should be finalised and published in the coming months.

### **Greece**

The Greek Parliament has unanimously accepted Mr Papandreou's proposal to create an inter-party Committee responsible for monitoring the policy on migration as well as for seeking pragmatic solutions to the problems of migrants residing in Greece. The Committee will include 15 members

from different parties, as well as some EMPs. [Ethnos, 10 January]

### **Ireland**

Until recently minors who after age assessment were deemed by the Office of the Refugee Applications Centre to be over 18, but who themselves still claimed to be under 18 were not able to attend their appeal hearing for refugee status. The reason for this was that they did not have a social worker to act on their behalf but equally they could not instruct a solicitor to make an appeal if they continued to claim to be under 18 and they could not access free legal aid. The Irish Refugee Council has decided to act as “next friend” for this group so that the legal requirements of the civil legal aid board are met and this group of age disputed young asylum seekers can access legal aid. It is a 6 month pilot project.

### **Luxemburg**

A new law is adopted that will give right to work and education for asylum seekers.

### **The Netherlands**

Changes in the definition of ‘unaccompanied’:

To receive a special ‘UMA-permit’ the child must be unaccompanied. Following new policy in 2000, a child was no longer considered unaccompanied if there was an adult in the Netherlands who could be considered to have responsibility or could be expected to take care of the minor. Persons falling under these categories included family members up to the fourth degree or other adults who supervised or took care of the minor before on a more than incidental basis, even if they had no legal obligation or authority as a caretaker. (See also country assessment, p. 3).

In 2004, this policy was abandoned after criticism from different parties and a negative judgement from the highest administrative court (judgement of 14 May 2003, 200301352/1, letter of the Minister for Aliens Affairs and Integration to the Parliament of 20 July 2004, TK 2003-2004, 19637, nr. 844). This means that all minor asylum seekers who are not accompanied by their parents when entering the Netherlands are considered as unaccompanied.

### **Romania**

In 2005 amendments to the present Refugee Law were initiated by the National Refugee Office for further harmonisation with the EU acquis. Provisions related to separated children were also amended (amendments in specific areas, see where

relevant below). The Draft Asylum Law is pending Parliament approval and in the process might suffer further changes. (The present Law on the status and regime of refugees in Romania is hereinafter called Refugee Law, while the title of the new law would be Asylum Law).

### **Slovakia**

In December 2005, a small amendment of the law on the stay of foreigners was adopted. However, no specific provision of it concerns the situation of unaccompanied minors.

A large amendment of the law on asylum is to be adopted within the coming months. It includes e.g. additional protection also of children.

### **Slovenia**

A new Law on Asylum entered into force on 4th of March. The law deteriorates standards on treatment of asylum seekers.

As already mentioned in previous Newsletter the most worrying article that affects separated children is that Slovene police can decide who can apply for asylum in a preliminary proceeding, thus it is more difficult for some separated children to access the asylum procedure in Slovenia.

The law does not foresee the presence of guardians or any other legally appointed representatives in these proceedings.

New law also abolishes 'asylum on humanitarian grounds' and substitutes it with subsidiary protection (which narrows the scope of eligibility criteria for the international protection).

Furthermore, the law abolishes the right of legal representative at the first instance.

The amendments to the Aliens Act are in the phase of preparation. One of the articles defines that separated children, who illegally enter or illegally reside in Slovenia should be immediately returned to the country, from which they entered Slovenia or to their country of origin.

NGOs and UNHCR prepared objections and proposals regarding the treatment of separated children. One of them is that separated children could get a permanent or temporary residence permit on humanitarian grounds in cases when their return to the country of origin is not in their best interest and when they do not have grounds for being recognized as a refugee.

### **Spain**

The situation in Madrid is deteriorating. Since last summer separated children are not provided

documents, due to the Government (national and autonomous) policy on documentation and repatriation.

In order to give separated children a residence permit (and therefore the concession of permission to work), a Circular issued by the Government in Madrid last October demands a certification that proves that the repatriation has been tried and failed. Despite of the Alien's Regulation establishing a term of nine months to grant them the residence permit.

The Circular does not set a term; therefore, most of them will attain their majority of age without any documentation. Without a residence permit to renew and a job to support its renewal, a former separated child will go from a regular situation to an irregular one at the age of 18, with no better long-term prospects in Spain than the average undocumented immigrant.

Save the Children and other organizations called for a meeting with the Government (responsible for the documentation) and the IMMF (the autonomous government authority that assumes the guardianship in Madrid) last month. A number of points were raised, specially the vulnerability of these children and the obligation of Spain, as party to the CRC, to fulfil its obligations with them. In spite of these, they maintain their attitude that all these children should be in their country of origin and no commitment were reached on these points.

Council of Europe Human Rights Commissioner's report on Spain, 9 Nov 2005:

*[www.coe.int/T/E/Commissioner\\_H.R./Communication\\_Unit/CommDH%282005%298\\_E.doc](http://www.coe.int/T/E/Commissioner_H.R./Communication_Unit/CommDH%282005%298_E.doc)*

### **Sweden**

The government has presented a bill to Parliament about accession to the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography. Only minor changes in legislation have been proposed.

### **UK**

Reform of the UASC system

The UK Government is in the process of reforming the system for unaccompanied asylum-seeking children and has commenced an initial consultation process with stakeholders (including SCUK) across England and Wales, which will extend throughout the UK.

It is expected that the Government will launch a document containing its reform proposals in May 2006.

Meanwhile it has established a taskforce to look into the reform process. The Refugee Council is the only voluntary organisation that has been approached to sit on the taskforce and the Children's Commissioner for England (with responsibility for asylum UK-wide) has been invited as an observer.

Early indications suggest that the reform process will lead to a significant increase in the return of separated children whose claims for asylum in the UK have been unsuccessful.

We also have serious concerns about the implications for the standards of care, and responsibility for the care, of separated children while they are in the UK.

#### Immigration, Asylum and Nationality Bill 2006

New immigration and asylum legislation is currently going through the Westminster parliament. The Refugee Children's Consortium (a coalition made up of a number of children's and refugee charities including SCF, UNHCR and RC) has been lobbying against the inclusion of a clause that would allow the Government to extend powers of search, arrest and detention at port to private contractors.

It is also pressing the Government to extend, to immigration officers, the same statutory duties in regard to safeguarding and child protection that apply to other public bodies, including the police.

On a more positive note, the government is no longer proceeding with its plan to further limit appeal rights for refugees and asylum seekers with limited leave. Whilst this measure would have applied across all age groups, it would have disproportionately affected separated children, the majority of whom are given subsidiary protection and temporary leave.

#### New rules for visa applications from children

The government has issued new rules for children applying for visas to travel to the UK as visitors. As of February 2006, the UK government will 'require that a child seeking to visit the UK in their own right, i.e. unaccompanied, must demonstrate that there are adequate arrangements for their care here and that they identify a person in their home country who is responsible for them.

Where a visa national child is seeking entry to the UK as a visitor in the company of an adult, that adult must be identified, and the child's visa must identify the adult with whom they seek to enter.

While this new rule provides certain safeguards against leaving children vulnerable to exploitation, concerns remain that unaccompanied children fleeing persecution will find it increasingly difficult

to reach safety in the UK and may be forced into more dangerous routes to escape persecution.

## Detention

### Austria

In 2004 a total of 275 minors were held in detention pre deportation. During the year 2005 the number of minors in detention pre deportation was around 200.

Because of the new legislation, in force since January 1st 2006, which allows detention pre deportation already at the very beginning of a Dublin II Procedure, it is likely, that the detention of minors will rise significantly.

The experiences of the first two months of 2006 shows, that there is a significant rise of detention. In the city of Salzburg during 2005 19 minors were held in detention pre deportation, during the first two months of 2006 already six minors have been held in detention. However, not just the number of detention cases is higher since the new alien-police-law has come into force, also the duration of detention has expanded significantly.

### Belgium

The number of unaccompanied minors in detention stays low, but more and more children who are with their family are detained.

A Member of the parliament has brought up a proposal of Resolution on February 8 2006 concerning the interdiction of detaining minors in closed centres. It has up to now not been approved and is not legally binding.

A Belgian detention case has been taken to the European Court of Human Rights. On 26 January 2006 there was a hearing on admissibility and the merits in the case, Mubilanzila Mayeka and Kaniki Mitunga v. Belgium (no. 13178/03)

The applicants, Pulcherie Mubilanzila Mayeka and her daughter Tabitha Kaniki Mitunga, are Congolese nationals who were born in 1970 and 1997 respectively and live in Montreal (Canada). Their application concerns the detention of five-year old Tabitha for almost two months and her subsequent deportation to her country of origin.

Having obtained refugee status in Canada, Mrs Mubilanzila Mayeka asked her brother, a Dutch national residing in the Netherlands, to fetch her daughter Tabitha from the Democratic Republic of

the Congo and to look after her until she was able to join her in Canada.

On 18 August 2002, on their arrival at Brussels airport, Tabitha, who did not have the documents required to allow her to enter Belgian territory, was detained in transit centre no. 127 while her uncle who had accompanied her returned to the Netherlands. A lawyer was appointed to represent the child that same day.

On 27 August 2002, the Belgian Aliens Office declared an application for asylum that had been made in Tabitha's name inadmissible. That decision was upheld by the Commissioner-General for Refugees and Stateless Persons on 25 September 2002.

On 26 September 2002, Tabitha's lawyer sought permission from the Aliens Office for her to stay elsewhere, but this was refused.

On 16 October 2002 the Committals Chamber of the Brussels Court of First Instance ruled that Tabitha's detention was incompatible with the Convention on the Rights of the Child and ordered her release.

On 17 October 2002 Tabitha was deported to the Democratic Republic of the Congo. No members of the family were there to meet her on her arrival.

At the end of October 2002 Tabitha was reunited with her mother in Canada following the intervention of the Belgian and Canadian Prime Ministers.

The applicants argue that Tabitha's detention and deportation violated Articles 3 (prohibition of inhuman and degrading treatment), 5 (right to liberty and security), 8 (right to respect for private family life) and 13 (right to an effective remedy).

### **Bulgaria**

The Bulgarian Helsinki Committee exercises a weekly monitoring on the Detention Centre for illegal foreigners in Sofia. There are no cases of detained separated minors.

### **Czech Republic**

From the 1st of January the detention facilities in the Czech Republic, previously managed by the Aliens Police, are now being administered by the Refugee Facilities Administration (RFA) of the Ministry of Interior, pursuant to the new amendment to the Aliens Act no. 428/2005 Coll.

Under the RFA, the conditions in detention centres are becoming more childfriendly and social workers and education specialists are present in the detention centres to meet the specific needs of the

minors. However, not all new measures are in place yet due to the complicated transition process.

### **Italy**

Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Italy 10 - 17 June 2005

Under Implementing Decree No. 303/2004, minors may not be placed in detention centres for aliens – although I was told that some foreign minors, on arriving in Italy, had been detained in identification centres with adults.

*[www.coe.int/T/E/Commissioner\\_H.R/Communication\\_Unit/CommDH%282005%299\\_E.doc](http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH%282005%299_E.doc)*

The Italian section of Amnesty International has launched an awareness raising campaign for the rights of undocumented minors in detention centres in Italy. Upon their arrival to Italy, many minors are kept in these centres for several days. Italy is thus in breach of international standards, which state that the detention of minors should only be an exceptional measure to be applied in extreme cases.

*[www.amnesty.it/campagne/invisibili/index.html](http://www.amnesty.it/campagne/invisibili/index.html)*

### **The Netherlands**

The enclosed special camp for separated children was abolished in the reporting period, see further under 'Reception'.

Together with seven organisations, among which the Dutch Refugee Council, Unicef and Amnesty International, Defence for Children International has started a campaign to stop the detention of undocumented children. The children are detained in the phase of preparing their expulsion. This period can take a few months. In most cases the children – alone or with their parents – are released after detention because it was impossible to expel them due to administrative problems.

The detention centres are like prisons, or even worse. These places are not adjusted to the presence of children; there are no special social services, no schools. Defence for Children International considers this practice as a violation of the articles 28 and 37 of the UN Convention of the Rights of the Child. The Dutch public is called to sign a petition against the detention of asylum seeking children on the website [www.geenkindindec.nl](http://www.geenkindindec.nl). The signatures will be presented to the politicians who are responsible for this policy. The parliamentary assembly of the Council of Europe (resolution 1483/2006) has also called on the Dutch

government to stop the detention of asylum seeking children.

### **Portugal**

IOM, the Jesuit Refugee Service (JRS) and the Portuguese Ministry of Interior have signed an agreement to ensure premises used for the detention of irregular migrants awaiting deportation meet humanitarian standards.

The agreement applies to a soon- to- be-opened centre for irregular migrants who have received a removal order. The centre, which will open later this spring in Porto, is the first in Portugal to provide temporary accommodation and support for these irregular migrants. Until now, migrants who had received an order of expulsion were detained in prisons with ordinary criminals.

The new centre, which will shelter up to 36 migrants for a maximum of 60 days, will be managed and maintained by Portugal's Border and Alien Service. IOM and JRS will set up a joint monitoring commission, provide access to legal, medical and social workers and will train cultural mediators, who will provide support on a day-to-day basis to individuals and families.

IOM staff will also provide up-to-date information on legal procedures, steps and regulations for entry and permanent residence in Portugal and the European Union.

### **Romania**

There are no separated children in detention.

### **Slovakia**

In Slovakia, the unaccompanied children cannot be taken into the detention. But from our work in the field we know about a small number of children, who were in detention.

The problem is that the children caught at the borders or at the territory of Slovakia after their first entrance interview give lower age than they are because of the direct entrance to the asylum procedure. After some days they ask for the administrative change of age. Then all the documents at the border police, courts and also the Migration office must be changed. It can take from one to two months and after that the unaccompanied child can be taken to the specialized centre for unaccompanied minors.

### **Slovenia**

In 2005 and 2006 (until the end of February) there were 94 separated children who were deprived of liberty because they illegally entered or illegally

resided in Slovenia. They are held in detention between a few days up to month and a half.

### **UK**

No Place for a Child: Stop detaining children Now! Refugee Council is joining with Save the Children UK, Bail for Immigration Detainees, together with Scottish Refugee Council and Welsh Refugee Council to launch a campaign that aims to put a stop to locking up innocent children.

[www.refugeecouncil.org.uk/supportus/campaigns/detention.htm](http://www.refugeecouncil.org.uk/supportus/campaigns/detention.htm) and [www.noplaceforachild.org](http://www.noplaceforachild.org)

## **Age Assessment**

### **Austria**

During 2005 the asylum authorities in 90 cases declared asylum seekers who claimed to be minors as adults. In the vast majority of these cases the officer makes this judgement just by personal impression and normally without any additional medical or psychological examination.

The alien-police is using age assessments too. Normally these decisions are made by "Amtsärzten", medical officers, and the quality of these assessments is mostly very poor.

### **Belgium**

Among the 2.131 separated children who arrived in 2005, 513 were subjected to a test of their age - this is 24 % of the total.

### **Czech Republic**

The age assessment is not performed in the Czech Republic, however the Ministry of Interior is currently working on the draft of the amendment of the asylum act which should provide the possibility of performing age assessment. The procedure should consist of medical tests and psychological assessment of the minor.

### **Finland**

Age assessments are done quite seldom, not as a rule. The Directorate of Immigration does not order them at all nowadays. But the local police, whose responsibility it is to investigate the identity of the asylum seekers, sometimes orders tests. This also means it is difficult to find out how many tests are made annually.

Methods used vary a bit, but it seems sometimes age assessments have been made by using only x-rays and even only taken solely from the hand (not even collar bone). Dental examination is probably more

expensive and not often used for that reason, but sometimes it has been done also (together with X-rays). Psychological tests made for the purpose are not known.

Tests are done and also statements given at local level, so the best possible expertise in this area is not necessarily used (meaning the expertise which is at the University of Helsinki).

What is interesting is that appeals court (Helsinki Administrative Court) had a case last year where they put a decision back to the Directorate of Immigration. The person claimed to be 16 but the Directorate claimed she was 18. There was a statement by a doctor who did the X-ray and the court asked her for hearing. In the hearing the doctor came and was very firm that her statement was wrongly used by the police/Directorate of Immigration. She had not given any estimate of the chronological age but just the estimate of the bone age. This was also written in the court's decision. The doctor did not even know to which purpose the X-ray test was used.

### **The Netherlands**

Recently the second report was presented by The Age Investigation Committee, chaired by prof. dr. H.M. Dupuis. In its final report the Committee observes that the age investigation of unaccompanied minor asylum seekers is conducted with the utmost care in the Netherlands. A new protocol is presented.

But there is still a lot of criticism around the way the age assessment is implemented in the Dutch asylum procedure. In 2005 515 separated children asked for asylum and age assessment was conducted in 298 cases. In 380 cases the age assessment was done for the second time because the first test did not give an answer because the collarbone was not fully 'closed' at that time.

The IND may only conclude from the age test whether the asylum seeker has reached the age of 20 or more and has therefore attained his/her majority. This is the case where the asylum seeker's collarbone is fully 'closed'. If the collarbone is 'not fully closed', the IND assumes that the asylum seeker is still a minor, even in cases where the examiner has indicated that the asylum seeker might have attained his/her majority.

There is still a discussion going on in medical circles about the reliability of the method that is used. The x-ray method of the collarbone should not be used, some doctors say. Instead a CT-scan should be used. Others disagree with that opinion.

The Supreme Court in the Netherlands accepts the method. In the summer of 2006 a judgement of the Court of Discipline will judge about the fact that radiologist do their work anonymously.

Parliament wants to discuss the report presented by the Age Investigation Committee with the minister.

### **Romania**

According to the Refugee Law, the age assessment is initiated, as a rule, by the National Refugee Office after registration of the asylum application and is carried out by the Forensic Medical Institute.

For the last three cases, National Refugee Office approved not to use age assessment because the minority was evident.

The draft Asylum Law still maintains age assessment performed by the Forensic Medical Institute when there are serious doubts concerning the age and the child cannot prove his/her age.

The draft Asylum Law stipulates that the asylum-seeker who will refuse to attend the age assessment will be considered adult.

### **Slovakia**

Until now, no age assessments have been done. The practice is to believe the given age of the refugee, which he/she declares. In some cases in the Specialized Orphan House for unaccompanied minors the situation of evidently elder persons occurs. The situation has been sorted out by the recommendation of the director of the Orphan House to the relevant guardian and through the direct talk with the elder person about his next possibilities. In many cases they changed the age and started with the asylum procedure in a selected accommodation centre.

### **Sweden**

New guidelines have been adopted by the Swedish Migration Board in March 2006. The Migration Board will still rely on results of dental and skeletal x-rays, but will be more "generous" when interpreting the results. With an estimated margin of error of plus/minus 3 years for both methods, both the skeletal and the dental test need to show that the applicant is over 21 years old for the Migration Board to consider the applicant as an adult.

### **UK**

In December 2005 the UK Government introduced stricter criteria regarding the processing of asylum applications of age-disputed individuals through the "fast-track" asylum procedure. This has resulted in a substantial drop in the number of age-disputed

young people referred to the Children's Panel of the Refugee Council from fast-track centres, but there has been a rise in the number of age-disputed applicants being referred from non fast-track detention centres.

The Association of Directors of Social Services has published a protocol on age assessment. Its aim is to resolve disputes and disagreements between statutory agencies on the age of separated children and young people. We will continue to work to address the gaps and inaccuracies within the protocol.

## **Guardianship**

### **Austria**

In winter 2005 the Supreme Court of Justice decided, in a case of a fourteen year old separated child from Nigeria, that the boy has the right to be supported by a guardian from the youth welfare agency.

This decision will significantly influence the practice concerning guardianship in Austria. Before this decision most of the youth welfare agencies did not take over the guardianship for separated children. Following the decision of the Supreme Court of Justice by now all separated children must be supported by a guardian.

In Vienna the youth welfare authority already reacted to the new situation and changed their previous practice of neglecting their duty - now they always inform the Court when a separated child is arriving in Vienna.

The total impact of the decision of the Court of Justice is not clear yet. It will be very important, that NGOs continue to remind the authorities about their duties. It is one important step to inform the court but it is even more essential to fulfill the duties as a guardian.

### **Belgium**

There are now 294 guardians available at the Guardians Service.

In 2005, there were 1.244 new minors having a guardian.

### **Bulgaria**

If a guardian/trustee is not appointed before the beginning of the Refugee Status Determination Procedures (RSDP) a social worker and a lawyer represent separated children during the interview.

### **Croatia**

Centre for Social Policy Initiatives (CSPI) and UNHCR have finalised the education of potential guardians for separated children foreign nationals, as envisaged under the Project "Support to Guardianship System for Separated Children, Foreign Nationals, including Asylum Seekers" (implemented in 2005).

The Project was supported by the Ministry of Health and Social Welfare and the Centres for Social Welfare in Zagreb region that identified two groups of out-of institution collaborators skilled in individual work with children, to be trained as potential guardians for separated children.

A total of 23 potential guardians, identified by the Centres for Social Welfare in Zagreb and CSPI, were trained.

All the Centres for Social Welfare in Zagreb (11) were informed about the project and provided with contact lists of potential guardians. Some of them have already been appointed to (non-asylum-seeking) separated children.

### **Czech Republic**

The amendment of the Aliens Act 428/2005 introduced a new type of guardian for the administrative procedure for detention of minors.

The guardians appointed by the foreign police are employees of NGOs. There are different guardians appointed to a separated child during various procedures.

The Steering Committee organized by the CCR on a monthly basis where all involved organizations are present, is currently seeking a solution how to minimize the number of guardians.

### **Luxemburg**

Foundation Caritas Luxembourg has 13 guardianships.

### **Romania**

According to the asylum legislation in force, legal guardians for separated children are appointed only after age assessment. Practice was different by the end of 2005, since asylum-seekers declaring they are under 18 and for whom there were no serious doubts regarding the stated age, were appointed legal guardians.

The Directorate for Child Protection is appointing legal guardians for separated children, upon request by the National Refugee Office. The legal guardian has to have legal or social work background and (s)he can be a staff member of DCP or of another particular authorised institution. The role of the

legal guardian is to support the child's rights and to assist him/her during the whole procedure for determination of refugee status. NRO can request replacement of the appointed legal guardian in cases of misconduct.

The possibility of appointing a guardian for certain legal actions that might arise after finalization of the RSD is not clearly specified by the present legislation.

### **Slovakia**

The guardian is assigned to the child as soon as possible by the decision of the appropriate court. The court decides on the placement of the unaccompanied minor within 24 hours. It is usually the specialized Orphan House for separated children, Horne Orechove - currently only for boys, but after a reconstruction also for girls - or to the Orphan house which has a special place for this child. In each district of Slovakia there is one selected Orphan house.

The legal guardian has rather administrative function but he/she is also responsible for the next decision within the procedure in the best interest of the child. There are two possibilities – to get a tolerated stay with the prolongation up to 18 years or to 25 if the child attends the school (under the Ministry of labour, social affairs and family) or to start with the asylum procedure (under the Ministry of Interior). The child has three months to decide which one of these possibilities he/she prefers. The last word is in the hand of his legal guardian.

Slovak Humanitarian Council presented and talked directly with the head of social affairs department about the way and role of legal guardian according to the Statement of Good Practice. Also with the head of this office and the Ministry of labour under which the guardians work.

### **Sweden**

Parliament has in a decision of 8 March 2006 called on the Government to present a proposal for legislation that would guarantee the appointment of a legal guardian (god man) within 24 hours of the arrival of a separated child.

### **Switzerland**

During the national conference on separated children on the 15th of February 2006 guardianship has been an important issue.

The present asylum legislation stipulates that every unaccompanied minor has to be represented and assisted by a person of trust.

Their charges and duties though remain very unclear: Neither the profile nor the competences of this person have been defined.

The three organisations helming the conference are in favour of a definition of the responsibilities and of the capacity of the person. This would also help to harmonize the practices in the whole country.

## **Reception**

### **Austria**

Until January 2006 all asylum seekers had to apply for asylum in one of the “Erstaufnahmestelle” (first reception centres). Since the beginning of this year this is not necessarily the case anymore. Now the police are obliged to do the first interview and if it is likely that Austria is not responsible to handle the asylum procedure – mainly because of the Dublin II regulation - the asylum seekers have to stay in detention pre deportation from the very beginning.

In Vienna the “Fonds Soziales Wien”, responsible for the provision of refugee accommodation in Vienna, reduced its capacity for housing separated children with about 40%, from 170 to 100. As a consequence some domiciles for separated children have to close down.

### **Belgium**

The situation has not change during the lasts months and the reception of separated children who did not ask for asylum stays critical. There seems to be some discussion at the Government level about this issue.

### **Germany**

Special Rapporteur of the United Nations Commission on Human Rights on the right to education, Vernor Muñoz, will visit Germany at the invitation of the Government from 13 to 21 February 2006.

The Special Rapporteur will focus on issues related not only to access to education but also to the quality of education, in particular for migrant children, second generation children, economically and socially disadvantaged children and children with disabilities.

The Special Rapporteur will meet with Government officials and with civil society representatives, including non-governmental organizations, education professionals, academics, students, and members of the media. The Special Rapporteur will

present a report on his mission to the Commission on Human Rights at its sixty-third session (2007).

For further information on the mandate of the Special Rapporteur and copies of available reports, please consult the website of the Office of the High Commissioner for Human Rights.

[www.ohchr.org/english/issues/education/rapporteur/](http://www.ohchr.org/english/issues/education/rapporteur/).

## **Italy**

Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Italy 10 - 17 June 2005

Unaccompanied under-age migrants are referred to the juvenile courts and, when they cannot return to their families, cared for by local authorities.

All unaccompanied minors must be reported to the Committee on Foreign Minors (CMS), which is answerable to the Ministry of Labour.

Italy receives few asylum applications from unaccompanied minors, for two reasons. Firstly, they do not usually come from countries in crisis. Secondly, and above all, the protection they receive is so good that using asylum as a pretext (like minors in many other countries) is unnecessary.

In 2004, 5,573 unaccompanied minors – mainly Romanians (37%), Moroccans (20%) and Albanians (16%) – were registered by Italian municipalities. However, this figure covers declared minors only, and is not the real total.

Many unaccompanied minors remain outside the system, either because they do not want the help it offers, or because involvement with forced labour or prostitution rings prevents them from taking it.

Reception centres find that many children stay only a short time before running away. Trafficking in human beings is often behind these situations. This is why Turin City Council has set up a special centre, where exploited children may stay for up to 60 days, and which they may leave only when accompanied by an educator. This stops them from running away, and gives the authorities time to establish their identity and, above all, win their trust, as a prelude to planning a future for them.

Unaccompanied foreign minors have the same rights as Italian minors who have been abandoned, including residence cards, and access to schooling and medical care. However, they are not allowed to work.

As with asylum-seekers, reception and protection of minors are matters for the local authorities. Here again, treatment varies greatly. Some towns' special centres can meet all the region's requirements, while others are inadequate.

Under Act No. 189/2002, minors who cannot be returned to their own countries may be given study or work permits when they come of age - if they have lived in Italy for three years, and have followed integration programmes for at least two. The first point is that most unaccompanied minors are over 18 when they enter Italy. The second is that proving continuous residence for three years is very difficult. Minors not covered by the ordinary regularisation procedure when they come of age may still be allowed to remain if they can show that they are working and integrated within the community. Italy's protective arrangements for unaccompanied minors could be improved, particularly by providing more reception centres, but nonetheless seem adequate.

[www.coe.int/T/E/Commissioner\\_H.R./Communication\\_Unit/CommDH%282005%299\\_E.doc](http://www.coe.int/T/E/Commissioner_H.R./Communication_Unit/CommDH%282005%299_E.doc)

## **The Netherlands**

The experiment with a centre for separated children who were 15, 16 or 17 years old at arrival stopped at the end of 2004. Nowadays separated children under the age of 15 are housed in foster families or in special houses for the care of children. Separated children who are over 15 at arrival are placed in areas of reception centres for asylum seekers with special facilities for separated children. No distinction is made any longer between the facilities for children who are supposed to live in the Netherlands because they receive a permit to stay and for separated children who are supposed to leave the country.

Before 2003 separated children was housed in a small housing project (KWE) three months after arrival in the Netherlands. Four youngsters lived in a house with the help of mentors. These houses were rented by youth care organizations.

When a separated child reached the age of 18 he/she was supposed to leave these special houses. There was no legislation to stop the allowance paid by the Ministry of Justice. Even when the youngster was supposed to leave the country he/she would still receive a monthly allowance. At the end of 2005 almost 4,000 youth above 18 received an allowance even though they were supposed to leave the country.

In June 2006 the Ministry gave order to start a big project in which the allowance for these youngsters should be stopped. The goal is that at the end of 2006 no allowances will be paid to youth above 18. Most of them will have to leave the country after having lived in the Netherlands for many years.

Those who have lived in the country longer than five years get support in managing their departure. The others just get three interviews after which the allowance will be stopped.

### **Romania**

Separated children over 16 are to be accommodated in National Refugee Office Reception Centre, while separated children under 16 are to be accommodated in shelters of the General Directorate for Social Assistance and Child Protection, according to the Child Law.

Medical staff in the Reception Centre is conducting a full medical check and free medical care is granted for emergency situations.

### **Slovakia**

There are two specialized centres. The first one is under the Ministry of labour, social affairs and family – it is a specialized Orphan house Horne Orechove. In this orphan house, a medical check is provided and the child can stay in this house for three months – until the decision about his situation is taken. Only children with the papers of tolerated stay can stay longer.

The second one is a Reception centre for vulnerable groups – in Rohovce, under the Ministry of Interior. Also in this centre, a medical check is provided. From the Orphan house, the children who would like to enter the asylum procedure are taken to the Reception centre Rohovce. Their stay in this centre is about 30 days and then they are taken to the accommodation centre for vulnerable groups in Brezova pod Bradlom for the rest of their asylum procedure.

The problem is the double medical check and also the question of separation of children in asylum procedure. At this time the negotiation process has begun about this situation, it includes the next cooperation in this area between the two Ministries. In January 2006 Slovak Humanitarian Council had a special meeting with the responsible person from the Ministry of labour, social affair and family.

### **Spain**

In the Canary Islands, the Office of the prosecutor has demanded the immediate closure of a Minor's Centre in Gran Canaria Island, where 72 children were lodged without respecting the required minimum standards. The 72 separated children were accommodated provisionally in a local gym. This decision has been strongly criticised and the local government has threatened to follow with legal proceedings, if in a short period of time, the

children are not located in an appropriated installations.

### **Sweden**

The responsibility for housing of unaccompanied children will be transferred from the Migration Board to the local municipalities according to legislation that will enter into force on 1 July 2006.

UN Special Rapporteur on the right to the highest attainable standard of health, Professor Paul Hunt, visited Sweden between 10-18 January 2006. On 18 January he conveyed to the government his preliminary reflections on his visit.

Concerning asylum seekers and undocumented individuals, Mr. Hunt stated that he is not satisfied that Swedish law and practice regarding the health services available to both target groups is consistent with international human rights law. "An undocumented person should not be denied their human right to medical care without discrimination, and as well as human rights and humanitarian reasons, there are also compelling public health grounds for treating all asylum seekers and undocumented people on the same basis as Swedish citizens."

Mr. Hunt stressed that he hoped that the Swedish government would bring itself into conformity with its international human rights obligations.

*[www.humanrights.se/upload/files/2/Nyheter/Sweden%20press%20conference%20revised%20remarks%2019%20January%202006.pdf](http://www.humanrights.se/upload/files/2/Nyheter/Sweden%20press%20conference%20revised%20remarks%2019%20January%202006.pdf)*

### **Switzerland**

Because of the decrease of the number of unaccompanied minor asylum seekers, the regional centres in the Swiss cantons are closing one after the other because of decreasing financial resources. In our point of view, the only way to maintain high standards of caretaking of separated children would be co-operation within different regions. It will need a lot of efforts though to convince the cantonal authorities to harmonize their services and competences.

## **Missing Children**

### **Czech Republic**

According to the Ministry of Education who runs the special care/diagnostic centres for separated children in the Czech Republic, there was a total of 63 disappearances in 2005. 36 were asylum seekers.

The asylum seeking separated children who had absconded were mostly minors from India with 17 individuals followed by China with 6. The rest of the disappeared separated asylum seeking children: Vietnam: 4; Iraq: 2; Belarus: 2; Algeria: 1; Sudan: 1; Syria: 1; Ukraine: 1; and Zimbabwe: 1.

### **Denmark**

See at the end: Statistics on trafficked minors

### **Finland**

There have been quite many cases in the recent years where separated children seeking asylum have been reported missing while still in the asylum process. According to the Directorate of Immigration there were 17 of those in 2005, 13 in 2004 and 19 in 2003. There is no reason to believe that every one of them has been a victim of trafficking, of course, but it is always possible, and especially some Chinese young people have caused concern. (See “Statistics on trafficked minors” for more).

### **The Netherlands**

There are concerns on the amount of children who leave, while their destination is unknown. Complete statistics are not available, but one study on the centre for separated children revealed that from the researched group (15-18 years old) 29 % went missing. (H.M. Klaasen and R.M. de Prez: Eindevaluatie ama campus, October 2004).

The Wetenschappelijk Onderzoek- en Documentatiecentrum (Research Center of the Ministry of Justice) will include this issue in a general research on separated children. See also under ‘Trafficking’.

### **Romania**

Cases of spontaneous departure from the country of separated children were reported, after granted a form of protection (usually, children between 16-18 years old). However, there is not enough information on the causes of leaving Romania after children are granted a form of protection.

### **Slovakia**

As the Slovak system has different possibilities – apart from the asylum procedure – it is important to report the number of children that get the tolerated stay or disappear before they enter this system. Total numbers of children having tolerated stay for the year 2005: 15

Children that disappeared from the tolerated stay in 2005: 15

Children that disappeared before getting the tolerated stay or asylum: 26

Children that asked for asylum: 17

All these children were in Orphan House at Horne Orechove.

99% of the children left one of the two centres within a very short time. Because of this bad situation an analysis was prepared – by comparing the situation in the centres with the Statement of Good Practice. This was presented during the coordination meeting of the UNHCR and its implementing partners. Slovak Humanitarian Council connected interested and involved organizations and is working on the new network among them. Slovak Humanitarian Council is also preparing a new anti - trafficking project in this field, together with Way Back under the Alliance of women.

### **Slovenia**

In 2005 and 2006 (until the end of February) 119 minors disappeared from the Asylum Home. In most cases these were boys who wanted to join their relatives in other European countries.

### **Sweden**

145 separated children went missing in 2005.

120 of those were not accounted for by the end of 2005. 105 of the missing children were by the end of 2005 still considered to be under the age of 18.

50 Chinese children went missing in 2005. No Chinese separated children have arrived in Sweden following the arrest of two Chinese nationals on trafficking-charges in November 2005. In early 2005, six Chinese children who had been reported missing from Sweden were found in the Netherlands. According to a representative of the Swedish Migration Board, there are suspicions that the final destination for some of the Chinese children is the United Kingdom.

## **Dublin II practice**

### **Austria**

It seems that the number of separated children involved in Dublin II procedures is rather high. Since the beginning of this year it is difficult for NGOs to get evidence of these cases. The reason for this is that asylum seekers are often detained shortly after arrival.

## **Denmark**

On December 13 2005 the European Parliament adopted a report aiming to extend the application of the Dublin II and Eurodac regulations to Denmark. The agreement on asylum applications and Eurodac regarding Denmark is available at:

[www.europarl.eu.int/omk/sipade3?TYPE-DOC=TA&REF=P6-TA-2005-0490&MODE=SIP&L=EN&LSTDOC=N](http://www.europarl.eu.int/omk/sipade3?TYPE-DOC=TA&REF=P6-TA-2005-0490&MODE=SIP&L=EN&LSTDOC=N)

## **Greece**

Following the publication of ECRE's evaluation of the Dublin II regulation, which found that asylum seekers in Greece and other member states were being denied access to a fair asylum procedure, Agence Europe reported that "the Commission will now decide on taking the matter to the European Court of Justice".

According to Agence Europe, Commission experts are "currently examining whether Greek practices are compatible with the Dublin II regulation" and that the Commission would take "whatever measures necessary for putting an end to possible abuses taking place". Since 2004, Greek authorities have 'interrupted' procedures for examining an asylum claim when the 'applicant arbitrarily leaves his place of residence' which often means detention and expulsion when an asylum seeker is sent back to Greece under Dublin II rules.

Last October Amnesty International wrote to the president of the Commission Jose Manuel Barroso and Commissioner for Freedom, Security and Justice, Franco Frattini urging them to take action against Greece. According to Agence Europe Mr Frattini replied by saying that an infringement procedure against Greece was already underway due to the country's failure to send its transposition measures of the Reception Directive.

For more information see:

[www.ecre.org](http://www.ecre.org)

## **Luxembourg**

One person, a 16 years old boy from Ukraine, was in 2005 deported to Sweden from Luxembourg. (The source of this information is just Caritas Luxembourg, because we don't have statistics about the Dublin convention from the Ministry of Foreign Affairs and Immigration).

In all cases about the Dublin convention, people receive convocation from Ministry of Immigration to inform them about the Dublin convention and to organize the travel. If the person agrees with this, they receive the date of travel about 2 weeks in advance. If the person does not agree, the police

show up early in the morning, without any notice and put the person in detention to wait for transfer to the other country. They are in detention about 3 days.

## **Malta**

MEP Members of the LIBE Committee who visited Malta were so shocked by conditions in immigration detention centres that they intend to propose amendments to the Dublin II regulation.

"I have never seen something comparable in my life" French socialist MEP Martine Roure told EUobserver. "The migrants are locked away in what could be described as cages. They have nearly no possibilities to get out." "I would not spend one minute in those conditions, let alone 18 months", said Italian leftist MEP Giusto Catania. Ms Roure is calling for Malta to be exempt from provisions of the Dublin II regulation, so that asylum seekers in other member states who have transited Malta are not returned there, as the regulation would normally require.

"I want to ask Commissioner Frattini to improve the Dublin Two regulation so that small countries like Malta do not have to deal with refugee problems alone," added Ms Roure. Currently, more than 1,100 immigrants are being detained in Malta – which has a population of about 400,000. The MEPs have tabled a resolution on Malta for debate in the Parliament's plenary session in Strasbourg.

For more information, see:

<http://euobserver.com/> & [www.maltatoday.com](http://www.maltatoday.com)  
[Agence Europe 24/03/2006]

## **Romania**

No Dublin II practice, since Romania is not a EU Member State, but the draft Refugee Law contains a chapter "Dublin Procedures".

## **Slovakia**

The practice concerning Dublin II is being realized more and more –children are returned to Slovakia more than ever before. In one case it was strange that even though the minors had not had fingerprints taken, they were recognized as having tolerated stay.

There is a special cooperation between Office of Foreign and Board police and the Orphan House Horne Orechove – when the police catch a minor, they contact the Horne Orechove, if he/she has already been there.

## Slovenia

In 2005 three Albanian boys were returned from England within the Dublin II regulation. Two of them decided to return to their country of origin. In one case of a boy from Russia the decision of removal from the country under the provision of the Dublin II was taken, but was not realised because the boy left Slovenia before the date of removal.

According to new Law on Asylum asylum-seekers who fall under the Dublin II regulation and are waiting for transfer will be detained. The law does not foresee any exclusion from that for cases of separated children.

## Switzerland

The 2nd Bern Symposium on Asylum, jointly organised by UNHCR and the Swiss Refugee Council (OSAR) on 28 February and 1 March in the Swiss capital, looked at the implications of Switzerland's decision to join the Dublin system ("Switzerland and the emerging Common European Asylum system").

Dublin is likely to enter into force and become operative for Switzerland in 2008. One of the conclusions of the Symposium was that the Dublin has certain deficits and protection gaps that States should avoid by using the existing humanitarian and/or sovereignty clauses. In the long haul, Dublin II needs to be revised and replaced by a better system of burden sharing in Europe.

## Procedures and Recognition

### Austria

In 2005 the recognition rate of asylum seekers was quite high, about 50%. There are huge differences concerning the recognition rates of different nationalities. Meanwhile the recognition rate of people from Russia, most of them from Chechnya, was higher than 90%, while the rate for asylum seekers from India or Nigeria is close to zero.

Concerning the recognition rate of separated children no specific statistics are available.

At the moment the main problem for asylum seekers is to get access to the asylum procedure. During the Dublin II procedure many asylum seekers, sometimes also minors, have to stay in detention pre deportation.

## Bulgaria

If an asylum seeker is registered as a separated child with the State Agency for Refugees, accelerated procedure for the manifestly unfounded asylum applications is not applied to him/her.

Bulgarian Helsinki Committee lawyers are doing a weekly monitoring on the Airport transit area as well as at one Bulgarian and Turkish entry border point. In February 2006 started the monitoring on another land entry point in the village of Lessovo.

## Finland

The number of separated children coming to Finland is increasing. However, separated children are getting less protection than before in Finland. They get more negative decisions to their asylum applications than 2 years ago and many of them do not get protection of any kind but only temporary residence permits.

The new tendency of Directorate of Immigration to give temporary residence permit has caused a lot of discussion. People who get this permit with B-status are not allowed to work and stay in reception centres with minimum rights to social and health services. Some municipalities have denied even the right to basic education.

Last year almost half of the applicants (43.4 %) who got positive decision to their asylum application got temporary residence permit, among them also separated children (who are coming mainly from Somalia, Afghanistan and Iraq).

These figures show how dramatically the situation has changed in recent years:

Negative decisions to separated children:

2003	2004	2005
13.9 % (11)	31.5 % (39)	32.4 % (59)

Temporary residence permits of the positive decisions made to separated children:

2004	2005
3.4 % (27)	43.4 % (259)

The Council of Europe Commissioner for Human Rights has published the follow up report concerning Finland (for the years 2001-2005).

The Central Union for Child Welfare was one of the NGOs the Commissioner's office made a visit to during the follow up visit in Finland.

The Commissioner paid special attention to some items concerning child rights as well as asylum seekers. He voiced concern over the possibility to appeal in accelerated procedure, especially related to Dublin cases.

He was also concerned about Finland starting to give temporary residence permits in a large scale and underlines that this permit should be used merely in exceptional cases and not widely (most of the asylum seekers coming from Somalia, Afghanistan and Iraq got this status last year).

The Commissioner also paid attention to the proposal to amend the Aliens Act concerning information exchange between the staff of reception centres and the Directorate of Immigration, which applies especially to separated children. NGOs have noted that the new proposal would harm children as reception of children is based on trust and should not be mixed with the investigation of asylum applications and decision making. The Commissioner urged authorities to reconsider the proposal and examine thoroughly whether it is compatible with or contradictory to the Finnish Constitution.

The report is now available at [www.commissioner.coe.int](http://www.commissioner.coe.int)

#### **Latvia**

The State is working on the project of law regarding EC directive 2005/85/EC which says that the state must provide separated children with a representative through the asylum seeking procedure.

#### **The Netherlands**

Separated children under the age of 18 may receive a special UMA-permit. When these children reach the age of 18, the permit is withdrawn. However, if the child has had the permit for three years or longer, a semi-permanent permit may be issued (for conditions for the temporary and permanent permit, see country assessment and under 3).

Besides this general rule, these semi-permanent permits have recently been issued in cases in which it was not reasonable to expel the child.

#### **Romania**

Separated/unaccompanied children are identified as such only when they apply for asylum. Asylum applications lodged by separated children are registered by the National Refugee Office Accommodation Centre no 2 (Stolnicul), as decided by the TFV, in order to address in practice the inconsistencies between the Refugee Law and the Child Law regarding the territorial competency.

Family Code prescribes for general obligation to inform the Child Protection authorities about a child without parents or legal guardian (5 days max acc. to art. 115 of Family Code). Article 20 of Child Law stipulates that foreign diplomatic and consular

missions have the duty to inform the National Authority for Child Rights Protection and Alien Authority about all separated children on Romanian [...].

Separated children are exempted from accelerated/border procedures. Individual interview is conducted in the presence of the guardian if age under 18 is confirmed. Article 24 of the Child Law stipulates that the child should be always interviewed and listened to when s/he are more than 10 years old. When the responsible authority considers necessary, those below 10 years old may also be interviewed.

Other provisions in the draft Asylum Law refer to interview of a child when her/ his psychological development and maturity degree allows for it.

The interview is conducted by specialised eligibility officers within NRO (trained on separated children specific issues). The decision regarding the asylum claim of a separated child is taken after due consideration is given to: child's personal data, grounds invoked for asylum, country of origin information, information supplied during the interview and best interest of the child.

#### **Slovakia**

As for the tolerated stay, the procedure is quickly realised. There has been only one delayed case; it was caused by formal requirements of some official materials between offices of different resorts.

Concerning asylum, no asylum has been granted to a separated child. Currently there are not many minors in the asylum centres.

The biggest problem is still the question of children leaving the centres and then the country as well.

#### **Slovenia**

The replacement of the Head of the Asylum Section, which was performed in May 2005, is mirrored also in the asylum 'regime' – there have been practices of deterioration of standards that were agreed upon with the previous Head of the Asylum Section. Up until now, this deterioration was still limited to few individual cases (separated children asylum seekers whose movement was restricted, asylum applications rejected as manifestly unfounded (7 cases in year 2005)), but unfortunately we can expect that these practices will become regular ones.

## **Sweden**

Annual statistics of the Migration Board (first instance) in 2005:

370 decisions, 67 residence permits granted (18.1 % recognition rate). Out of these 2 children were considered to be Convention refugees and 10 in need of complementary protection. The other 55 were granted permits on humanitarian or other similar grounds.

Annual statistics of the Aliens Appeals Board (second instance) in 2005:

163 decisions, 17 residence permits granted.

In addition, some 70 plus children have been granted residence permits in Sweden in accordance with interim legislation in force between November 2005 and March 2006.

## **Family Tracing and Reunification**

### **Austria**

As long as the asylum procedure of a separated child is pending, there is normally no specific investigation or activity concerning family tracing and reunification.

### **Luxembourg**

Foundation Caritas Luxembourg has requested tracing for 1 minor, but without any answer yet.

### **The Netherlands**

Despite requests from several MPs, there has not been much progress on the issue of tracing of family members. Only in a small proportion of the cases the MFA issues reports on the background of the individual (9 reports in 2005). For these reports research on the whereabouts of family members is often conducted. However, this kind of investigations is only conducted in the context of the immigration procedure, not return. The ICRC is only willing to initiate tracing at the explicit request of the child.

In a ruling concerning a separated family involving a Brazilian mother living and working illegally in the Netherlands, Solange Rodriguez Da Silva and her daughter, Rachael, the ECHR ruled unanimously on 31st January 2006 that the refusal to grant her a residence permit amounted to a violation of Article 8 on the right to private and family life.

The question raised by the case is thus whether or not the Dutch government was under a duty to allow the mother to reside in the Netherlands, thus

enabling the two applicants to maintain and develop family life there.

The ECHR took into consideration the possibility that family life may be developed at a time when the persons involved were aware of the illegal immigration status of at least one of the two partners and therefore the persistence of that family life within the host state would from the outset be precarious. In such a case, the ECHR has already established that removal of the foreign family members will amount to an Article 8 violation only in the “most exceptional circumstances”.

[Source: Migration News Sheet, March 2006]

### **Romania**

If a separated child is granted a form of protection, (s)he is enrolled in special integration programmes and included in the system of specialised services for child protection, established at the county level. Separated children receive identity documents, personal number code and can be accommodated in NRO centres until the age of 18 years old.

Family reunification procedure can only be initiated by an adult (the spouse for the other spouse and/or minor children), according to the Romanian Refugee Law corroborated with a ministerial order issued in 2002, establishing a procedure for family reunification. According to the Methodology for implementation of the present Refugee Law, it is considered that the best interest of the child is to have him/reunited with his/her family in the country where his/her parents are.

There are no provisions regarding family tracing in the current Refugee Law. Some provisions referring to family tracing in general are spelled out in the article 20 of the Child Law.

The draft Asylum Law inserted stipulations on family tracing for separated children and on giving priority to the best interest of the child when family reunification process is initiated.

### **Sweden**

A bill in parliament proposing changes in legislation to ensure that legislation is in line with the EC Directive on family reunification for third country nationals of 22 September 2003. This bill also proposes a change in legislation that would ensure that applicants for family reunification are able to introduce DNA-testing as evidence in family reunification cases.

### **UK**

The Government has announced the introduction of a new “points system” to regulate economic

migration. We will be analysing this to see if it has any implications for family re-unification that might impact on separated children.

## **Return**

### **Albania**

The signing of the bilateral agreement w/b Greece and Albania for the repatriation of Albanian minors took place in Tirana on February 27th. For the Albanian government it was signed by the deputy minister/anti-trafficking national coordinator Mrs. Iva Zaimi.

### **Austria**

Until now the return of separated children takes place just in very few cases. In February 2006 the documentary "being umf" shows the situation of a young asylum seeker, who was obliged to go back to his home country.

### **Czech Republic**

There are difficulties to realize long term solutions for separated children because of legal requirements that these children do not and could not usually fulfil. However, there are no forced returns of separated children reported.

### **France**

On 24 December, French authorities deported three unaccompanied minors to Mali, to be handed over to the Minors' Protection Unit. One of the three children, an 8-year old Malian boy, was trying to join his mother in France, following the death of his grandmother who had previously taken care of him in Mali. His mother is employed and a legal resident of France, but lives in a 17-square meter apartment, which does not meet the minimal conditions of a 25-square meter residence for family reunification. Two other children, a 10 year-old Congolese girl and a 10 year-old Rwandese girl, were also deported after spending several days in the transit zone of the Roissy airport in Paris.

[[www.walf.sn/societe/suite.php?rub=4&id\\_art=25132](http://www.walf.sn/societe/suite.php?rub=4&id_art=25132)]

### **Hungary**

A 17 year old Serbian boy was returned to Serbia, assisted by IOM

### **Ireland**

According to IOM Dublin, 3 minors were voluntarily repatriated to their countries of origin in 2005.

### **Italy**

Morocco is on the point of signing a joint memorandum with Italy on the repatriation of unaccompanied Moroccan minors who are currently living in Italy. This information was released by Nouzha Chekrouni, the minister responsible for Moroccans living abroad, in response to a question raised in Parliament. Ms. Chekrouni said that the Moroccan government will take all necessary measures to end the clandestine immigration of children as this phenomenon has negative repercussions on Morocco's image.

[[fr.allafrica.com/stories/200601130364.html](http://fr.allafrica.com/stories/200601130364.html)]

### **The Netherlands**

Test Case: Defence for Children International is preparing a test case for asylum seekers and separated children who have been living in the Netherlands for more than five years and who are staying illegally. A team of lawyers and experts on child psychology gives support to the law suit.

More than 1,250 children have written an application form for the test case, but the results of the process will be applicable for thousands of children who find themselves in this difficult situation.

According to Defence for Children International, the Dutch authorities violate articles 3 and 6 (2) of the UN Convention of the Rights of the Child by expelling children who spend an important part of their childhood in the Netherlands. Most children in the test case have parents but there are also a few separated children among them.

Few separated children return to the country of origin. After reaching the age of 18, reception arrangements end and the Dutch state holds the youngsters responsible for their own return. At this stage many leave, while their destination is unknown.

During the last few years different projects have been developed to stimulate voluntary return, e.g. by providing detailed information. These include initiatives from Nidos (organisation for guardianship) and an organisation for Young Angolans in the Netherlands (JAN).

More projects to provide 'adequate care':

In addition to the orphanage in Angola (see country assessment, p. 11), the Dutch government is now co-financing a project in the Democratic Republic of Congo as well. In this centre, run by the Congregation of Silesians, schooling at different levels is also provided. With the availability of four beds in this orphanage, adequate care is considered to be available for separated children from the DRC and no special UMA-permits will be issued to separated children from the DRC.

### **Romania**

Under the Child Law, rejected child asylum-seekers are of DCP responsibility, which notifies the Authority for Aliens and request the court to establish a special protection measure and shelter until return. In establishing the protection measure and decision on return, the best interest of the child has to be taken into consideration, according to Child Law.

No case of return was reported until now.

### **Slovakia**

In this monitoring period no return of unaccompanied minor was realized.

### **Spain**

In Madrid many children are being returned. Usually, the guarantees provided to them during the repatriation are insufficient (they are not informed before, the Police officials appear at 6:00 a.m, wake them up and take them to the airport, they are not allowed to take their belongings).

As a result, the situation in the centres or residences is very stressful, and many of the children are leaving the centres to go to another autonomous community (Barcelona or Bask Country) or just to live in the streets.

Spain is accelerating measures to deport unaccompanied Moroccan children.

On 2 December 2005, Madrid and Rabat agreed to immediately build two reception centres for Moroccan children repatriated from Spain. These two reception centres will be financed entirely by Spain and will be followed by the construction of other two centres in the next two years.

[Migration News Sheet, January 2006]

### **UK**

The Government has had little success in progressing its programme to return separated children whose claims for asylum have been

unsuccessful. Not a single child has yet been returned and negotiations with the authorities in Albania and Vietnam have stalled.

The UK Government is also considering returning separated children to Angola and the DRC, and has indicated that it will continue to explore opportunities to develop programmes in other countries.

## **Trafficking**

United Nations, Commission on Human Rights, 62 session: Report of the Special Rapporteur on the sale of children, child prostitution and child pornography.

[www.ohchr.org/english/bodies/cbr/docs/62cbr/ecn4-2006-67.doc](http://www.ohchr.org/english/bodies/cbr/docs/62cbr/ecn4-2006-67.doc)

### **Denmark**

Save the Children Denmark is currently in the process of preparing the training of professionals in the Danish social system as well as the Danish police.

Furthermore, we are also in the process of accumulating documentation about the practice in Denmark in relation to trafficked children and 'European best practice' – activities that Save the Children Denmark are conducting as part of the new Action Plan passed by the Danish Government to prevent trafficking in children.

### **Finland**

The Ministry of Labour has appointed two working groups:

- 1) a working group which has to come up with a plan how to built services for victims of trafficking in Finland, and
- 2) a steering group to follow the National Action Plan against trafficking.

The first one is going to present its suggestion by the end of May. During its two year period the second one has to, among other things, present an updated action plan to the government (the first NAP was given last year by the working group appointed by the Ministry of Foreign Affairs).

The SCEP national contact person is being appointed to both working groups.

### **France**

Council of Europe Commissioner for Human Rights Report on the visit to France, 5-21 September 2005

France is a country of destination for trafficking in human beings. 75% of trafficking victims are of foreign origin. The majority come from Eastern Europe and the Balkans and West Africa. A recent development is the increasing number of Chinese nationals involved in prostitution in Paris and the surrounding region. However, most Chinese are employed in the textile and restaurant sector.

The report of the International Labour Office published in 2005 estimates the number of Chinese people illegally resident in France at about 50,000, having arrived by means of networks that subsequently exploit them. It also states that there are some 6,000 new arrivals every year.

France has improved its legislation in the field of human trafficking. The law of 18 March 2003 on internal security introduces the crime of human trafficking. It also provides for protection for men and women forced to enter prostitution. Apart from social assistance, they may be given a provisional residence permit, on condition that they co-operate with the police in securing the arrest of the person controlling them. If the latter is convicted, the victim may be issued with a residence card. In 2004, 180 victims of human trafficking obtained permits under this scheme. However, this figure is very low provisional residence permits are not systematically renewed, and the protection provided to guarantee victims safety is inadequate in many respects. Furthermore, help with reintegration is poor and in some regions non-existent.

While there are problems with implementation of the provisions of the legislation on human trafficking, some aspects of the issue are not sufficiently addressed by French law. For example, in the *Siliadin v. France* judgment of 26 July 2005, the European Court of Human Rights recently held that slavery and servitude were not rendered illegal as such in French criminal law. It concluded that there had been a violation of Article 4 of the European Convention on Human Rights. Some thirty cases, similar to the one dealt with by the ECHR, are brought to the attention of associations every month. Girls, not yet of age in the majority of cases, are obliged to work without any pay and in terrible and shameful conditions. Almost one third is subject to sexual violence by the people who exploit them. The Court reminded France of its obligation to strengthen its legislation stemming from the Law of 18 March 2003, whose aims are to render illegal and punish any instance of slavery and forced labour.

Lastly, there are a number of complicated situations in certain border locations, which render the

provisions of French legislation inoperative. France has of course ratified several international legal instruments and increased its co-operation, particularly through the activities of the Central Office for Combating Human Trafficking, responsible for the fight against trafficking networks in France and abroad.

*www.coe.int/T/E/Commissioner\_H.R/Communication\_Unit/CommDH%282006%292\_E.doc*

### **Hungary**

The Hungarian Penal Code has applied the definition of trafficking as contained in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime.

[Anti-Slavery International's Trafficking Network Update March 2006]

### **Ireland**

The national television channel RTE is to screen a special documentary/current affairs programme on trafficking in Ireland in six weeks time. It is hoped this programmed aired at prime time will be watched by many and will highlight the issue in Ireland which has received little debate to date. The focus however will be on women rather than children.

### **Italy**

Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Italy 10 - 17 June 2005

The appalling problem of trafficking is one which affects the whole of Europe. For purposes of prostitution, clandestine labour and crime, increasingly well-organised networks are forcing men, women and even children to live in inhuman conditions. It is up to every state to take effective preventive and punitive action in co-operation with its neighbours. Italy's efforts in all these areas are particularly laudable.

Legislative Decree No. 286/98, which came into force in 2000, and particularly its Article 18, made considerable improvements in the protection provided for victims. Under that article, victims of trafficking who co-operate with the police and courts may be given a renewable six-month residence permit "for reasons of social protection". By 31 October 2003, 3,757 such permits had been issued. They allow victims to work, study and receive social and medical assistance under a special

protection and social assistance programme. They may later be converted into ordinary work permits. More generally, the Decree acknowledges and supports the fundamental role played by local authorities and NGOs. Protection and assistance programmes are run by the public authorities and by associations. The institutions working to help victims are varied, providing legal assistance, physical protection, shorter or longer-term accommodation, psychological counselling, etc. A new Act to combat trafficking more effectively was passed in 2003. Among other things, it deprives traffickers of certain rights, to ensure that they cannot continue operating while in prison, and introduces more severe penalties for members of trafficking rings. It also supplements the provisions of Legislative Decree No. 286/98 concerning work or residence permits for victims. This improved protection for victims, combined with stiffer penalties and new resources for investigation, have facilitated the fight against trafficking in Italy. Thus, the number of prosecutions for trafficking rose from 1,300 in 2002 to 2,200 in 2003.

There are now reception and vocational training centres for the victims of trafficking. Finally, assistance and voluntary return programmes have been introduced. A special fund has been set up for victims (to cover legal aid, training and other measures to help them integrate) based on state subsidies and also on the confiscated assets of traffickers. Italy has also launched international programmes, in partnership with NGOs, to facilitate the return of victims, and particularly unaccompanied minors, to their own countries. Italy thus has laws which make it possible to protect victims and prosecute members of trafficking rings effectively, and which often surpass the minimum European standards. It is also making substantial preventive efforts, in co-operation with other governments and NGOs, by running awareness-raising programmes both in Italy and countries of origin.

*www.coe.int/T/E/Commissioner\_H.R./Communication\_Unit/CommDH%282005%299\_E.doc*

### **Lithuania**

On 7 March 2006, the Department of Police and Lithuanian Caritas signed the agreement for cooperation in the field of support and assistance of trafficking victims, particularly women and children and their families.

As the Representative of Public Relations of Police department under the Ministry of Interior announces, the cooperation between both

organizations was activated in 2005. Last year, many victims of trafficking who got shelter in Lithuanian Caritas agreed to collaborate with the police. Both police and Caritas could better coordinate their activities in providing necessary immediate assistance for the victims.

As the police department announces, last year 150 victims of trafficking from Lithuania were identified. They were released with the close cooperation of Lithuanian police with British, Belgian, Dutch, and German police and NGOs – IOM, Lithuanian Caritas and Missing Persons' Family Support Centre.

### **The Netherlands**

A report of an independent research institution concludes that at the moment there were no indications for human trafficking, prostitution or abuse in a work related manner for 98% of the separated children in the age range from 0 to 14. So far, it has been difficult to conclude what happens to separated children who disappear. Several initiatives are under way:

- The Centre for expertise in human trafficking and smuggling (EMM) will commit research to the causes of separated children leaving with unknown destination, as well as to solution for this, their location and the relation to trafficking of humans.

- The EMM collects data in a special registration system, aiming to improve methods for tracing and criminal investigation.

- The Central Organisation for Reception of Asylum seekers will develop an action plan to recognize victims of human trafficking in the reception facilities. This will include the conclusion of cooperation agreements with different institutions (including the police) and the provision of information in the centres (Letter of Minister of Justice to Parliament, 17 February 2006, TK 2005-2006, 28638, 19).

### **Slovakia**

Most of children coming to Slovakia are trafficked. In this field we start with the cooperation with the organizations involved in the refugee problematic. Slovak Humanitarian Council has contacted the representative from Alliance of women (way back) and in cooperation with UNHCR has prepared together an anti-trafficking project which will cover all refugees but especially vulnerable groups. The outline of the project was discussed with UNHCR Representation in Slovakia. The main points are: creating of network, trainings of staff and direct help in the field.

Slovak Humanitarian Council works on the establishment of the new network against the trafficking on children. From October, special meetings were organized with the actors in this area. (one responsible person at Ministry of labour, social affairs and family, Headquarters of labour, social affairs and family, Office of labour, social affairs and family in Trencin, Specialized Orphan house in Horne Orechove/Trencin, UNHCR).

The first step to this co-operation an agreement was signed in November between Slovak Humanitarian Council and Office of labour, social affairs and family in Trencin. The agreement is based on the Statement of Good Practice and the international project under ERF named "Fostering the best interest of the child in care institutions for unaccompanied minors".

The main idea of this project is to analyse and to improve the care of unaccompanied children in Slovakia, Czech Republic (leading partner the Czech NGO - OPU) and Greece according to the good examples in Austria and Germany. The project activities are as follows: feasibility studies and exchange visits of the personnel among all countries (to highlight the gaps and NGO oversight mechanisms); training of trainers (training of the minimal standards according to the Statement of Good Practice conducted by the trainers from Separated Children in Europe Program; mentorship and professional shadowing days – the volunteers and the unaccompanied minors are more in contact because of the free time activities; introduction of refugee issues to public and questions of integration into the host society. The forefront advancements are published in the quarterly magazine.

The second step after the signing of the agreement, Slovak Humanitarian Council has prepared a special analysis for the Office of labour, social affairs and family in Trencin about the situation in Orphan house Horne Orechove/Trencin based on Good Practice. The analysis was presented also to the upper mentioned actors. At the beginning of January 2006 Headquarters of labour, social affairs and family prepared a Slovak meeting about the problematic of unaccompanied children. The specialized meeting was for all directors of the offices of labour, social affairs and family (42 Slovak districts) – the departments of social-legal protection of children, and for the selected guardians from each office. The main point was to analyse the situation of separated children and to know the legal and social background of this problematic. At the meeting,

Slovak Humanitarian Council had the Statement of Good Practice disseminated.

Currently, we are working on improving the situation in the Orphan house. Slovak Humanitarian council has prepared a new continual education project for the staff that cares about the unaccompanied children, for the officers and guardians. The project should start in April 2006

At the same time, we prepare the first meeting of all actors working with separated children together with UNHCR. In the past time there were two inter - resort meetings per year where the problematic of separated children was only a part of discussed issues. We would like to start from April 2006 with the regular meetings that will take place each two or three months.

In addition, we are in contact with the representative under the Ministry of Interior within the National action plan against the trafficking with the people. We would like to meet and propose the plans of the future network of organizations directly to the political elite of Slovakia.

## **UK**

In January the Government published a consultation paper on trafficking which covers issues relating to trafficked children: Tackling Human Trafficking – Consultation for Proposals on a UK Action Plan.

The consultation period ends at the beginning of April.

Trafficking prevention at British borders: Operation Pentameter, which will be carried out in cooperation with the travel industry and agencies across Europe, aims to prevent sexual exploitation by targeting potential victims as they arrive in the UK and urging them to contact a helpline. [[www.guardian.co.uk/crime/article/0,,1714685,00.html?gusrc=rss](http://www.guardian.co.uk/crime/article/0,,1714685,00.html?gusrc=rss)]

## **Children and youth participation**

### **Ireland**

The children's parliament (Dáil na nÓg) will meet on the 25th March this year. The event which brings young delegates together will discuss the theme of Migration and Interculturalism this year. It is hoped young people including asylum seeking and refugee children will have some interesting ideas on the issue. The report will be published on the web-site [www.dailnanog.ie](http://www.dailnanog.ie)

### **The Netherlands**

Several NGOs are actively promoting participation of separated children, including an organisation of Young Angolans in the Netherlands (JAN) and Samah.

### **Romania**

The empowerment of refugee youth plays an important role in UNHCR Assistance Programme for refugees.

Assistance for separated children is provided by Save the Children Romania (focused on social and educational activities) and Romanian National Council for Refugees (focused on legal assistance during refugee status determination procedure), with financial support from UNHCR.

Children and adolescents participated in the planning of their contributions to various events involving refugee children. Separated children and other refugee children were involved in planning and designing the schedule for activities in the Children Room, organised by Save the Children in the NRO Reception Centre.

In view of integration into Romanian society, separated children (along with other refugees) benefit from Romanian language course and are allowed to attend educational activities organised in ordinary schools, without being officially enrolled in these schools. After graduation of the Romanian language course, persons attending this course are issued certificates of attending which would further facilitate access to the national education system.

Refugee children succeeded to organise shows for the International Child's Day, World Refugee Day and for the Annual Carnival. 6 refugee youth participated in the contest/exhibition on children's rights organised for International Child's day and they had their own stand where they presented paintings, traditional objects made by them and traditional costumes.

4 refugee teenagers and 2 Romanian young volunteers participated in a camp named the Annual Children's Meeting – Promotion of Children's Rights, organised by Save the Children Romania in Dambovita (Caprioara). In the context of these activities a forum for discussions regarding the new life of the refugee children in Romania was initiated.

### **Slovakia**

Slovak Humanitarian Council has realized an international ERF project (leading partner is OPU from the Czech Republic). One of the points are

the cultural and school activities with the children by the help of volunteers from the University of Trencin.

The idea is to use the children's free time appropriately. After school the volunteers will help the children with the homework and go to the cinema or other cultural events in the town of Trencin.

### **Miscellaneous**

The European Network Preventing Violence Against Children & Young People is an open meeting point of organisations and professionals promoting children's rights and preventing violence against children and young people.

The Network currently consists of 290 members from 35 countries. Since 2001 members have been exchanging information, participating in debates and conferences and accessing international funds to promote the aims of the network and their local objectives.

The network would like to expand its membership (which is free of charge), especially to organizations in new EU Member States. More info: [www.omega-graz.at/homeEN.html](http://www.omega-graz.at/homeEN.html)

IMISOCE was established in 2003 as a Network of Excellence in the domain of International Migration, Integration and Social Cohesion.

One of its clusters is devoted to "Social Integration and Mobility – Education, Housing and Health". Within this cluster and in collaboration with IOM, a group of researchers is currently working on a Europe-wide survey on the state of health research and health care in Europe for migrants (including ethnic minorities). This survey is the first major all-round study on the health of migrants and minorities in Europe. It will present an accessible overview of existing knowledge about migrants' state of health, the factors influencing this, the quality and accessibility of health care provisions for these groups, and the efforts being made to tackle problems in this area. It will shed light on theoretical issues and suggest priorities for research and policy agendas. A pilot study for the survey has been already carried out covering the situation in the Netherlands, Switzerland, Greece and Portugal. Since the survey is currently being extended to approximately 20 European countries, those who would like to contribute to the survey or get involved should contact the project leader, David Ingleby: [J.D.Ingleby@fss.uu.nl](mailto:J.D.Ingleby@fss.uu.nl). More info:

[http://wikibost.org/wikis/euro/programm/gebo.prg?name=project\\_information](http://wikibost.org/wikis/euro/programm/gebo.prg?name=project_information).

The daily experience of the Belgian NGO Medimmigrant shows a need for a medical database which would provide information on the availability and the accessibility of medical treatment in countries of origin.

Such information is essential for: supporting voluntary return; proving the seriousness of an illness in cases of residence of undocumented migrants in Europe due to medical reasons; and promoting national and international health care policies.

Medimmigrant would like to receive your opinion and input concerning the creation of such a database on the European level. Medimmigrant has made a proposal concerning a European medical database, which can be viewed on its website in Dutch, French and English ([www.medimmigrant.be](http://www.medimmigrant.be) click on "propositions politiques").

Please send your ideas to [info@medimmigrant.be](mailto:info@medimmigrant.be) and feel free to distribute this call to anyone who might be interested in finding out more about it.

### **Austria**

EPIMA2 Project on education of young asylum seekers:

EPIMA2 is an initiative for the development of measures for the education and integration of young asylum seekers in Austria.

The target group of EPIMA2 comprises asylum seekers aged between 15 and 25 years, if they have the prospect of permanent integration or a longer period of stay in Austria. 140 young asylum seekers are participating in the programme EPIMA2 from autumn 2005 until summer 2007.

Goals of EPIMA2:

- Strengthening of the asylum seekers' potential of self-help
- Granting of information which facilitates the access to work life
- Improvement of German language skills
- Acquisition of the handling of various computer programmes, e-mail writing and internet usage
- Assistance with the planning of further education and/or with the job search
- Improvement of professional experience by vocational trainings and internships
- Reduction of the structural discrimination of asylum seekers on the Austrian job market

[www.epima.at](http://www.epima.at)

### **Bulgaria**

State Agency for Refugees, SAR, opened a Reception room for NGOs at the Integration Centre within the SAR. The NGOs will give consultations to asylum seekers and refugees according to a work-schedule starting 23 March 2006.

### **France**

Five French NGOs (Human Rights League, C'Sur, GISTI, Collectif du Xe arrondissement, MRAP) sent a letter to specific local, regional and national authorities to denounce the situation of undocumented minors in Calais.

In recent years, unaccompanied minors have been living in the streets of Calais without food, shelter and assistance. In the letter, the five NGOs underline the legal obligation of the authorities to provide protection to these minors. [www.gisti.org/doc/actions/2006/mineurs/lettre2006-02-06.pdf](http://www.gisti.org/doc/actions/2006/mineurs/lettre2006-02-06.pdf)

### **Greece**

Several articles on the launch of the UNHCR campaign for refugees in Greece have appeared in the national press. The campaign focuses on a number of refugee protection issues that need to be addressed, including the low number of persons who obtain asylum (only 0.84% last year), the limited reception capacity (less than 900 places compared to the 9,050 asylum applications registered last year) and lack of measures for the protection of separated children, and other vulnerable groups.

[Ethnos, Eleftheros Typos, Kathimerini, 17 February; Business Today, 20 February; Avgi, Ta Nea, 21 February]

### **Romania**

In 2004 the National Refugee Office launched an awareness campaign under the motto "Romania, my country" to promote integration of persons granted a form of protection in Romania. Children issues were also reflected during the campaign.

### **Spain**

Mauritania has become the latest staging post for migrants fleeing poverty in Africa. Scores of mostly young men set out in fishing boats every night hoping to reach Spain's Canary Islands and many die in the attempt. The region appears to be the new launching point for those attempting to reach European shores since security has been stepped up in Morocco and the Straits of Gibraltar.

According to the Mauritanian Red Crescent, since 10 November 2005, at least 1,000 people have died trying to make the trip.

Spanish ministers have decided to launch a number of measures to try to combat the problem and to re-activate a readmission agreement with Mauritania to take back illegal migrants.

From January 2006 until now, the Spanish Canary coast has received 2,998 immigrants; among them we can count also several minors.

## UK

The Refugee Council has just begun delivery of a training programme on working with separated children specifically designed for Refugee Community Organisations.

The aim is to increase the capacity of these organisations to work with separated children, focusing particularly on their understanding of statutory services.

## Events

27-28 October 2005, Malaga, Spain

Regional Conference on Migration Of Unaccompanied Minors: Acting In The Best Interests Of The Child.

Council of Europe

[www.coe.int/T/F/Cob%20%29sion\\_sociale/Migrations/Malaga\\_en.asp](http://www.coe.int/T/F/Cob%20%29sion_sociale/Migrations/Malaga_en.asp)

18 January, Denmark

Workshop on Illegal Migration from China

Organised by the Ministry of Refugee, Immigration and Integration Affairs.

The workshop focussed on the challenge in ensuring that the increase in the number of Chinese nationals arriving to Europe to study, work or as tourist does not go hand in hand with illegal migration, human trafficking (in particular of unaccompanied minors) and the organised abuse of residence permits.

The objective for the workshop was to exchange information and best practices and the identification of possible areas of co-operation and drafting of recommendations for best practise.

Participants were invited from Norway, Sweden, Finland, France, Germany, the Netherlands, UK and USA.

26 January, Ljubljana, Slovenia

Training for separated children's guardians.

Organised by Slovene Philanthropy as a 1 day event.

Beneficiaries were future guardians and social and refugee workers (Slovene Philanthropy volunteers, students of social work). The Statement of Good Practice was also presented. The total number of participants was 14.

2-3 February, Bucharest, Romania

International Conference On Child Rights:

Child Rights, the Role of Families and Alternative Care Policies. Developments, Trends and Challenges in Europe.

17 February, Czech Republic

Seminar for judges aimed on the legal issues concerning separated children in the context of the Czech law – socio legal protection, family law, guardians.

Organised by the Counselling Centre for Refugees.

The second part of the seminar was about trafficking of children and related risks.

23-24 February, Sarajevo, Bosnia Herzegovina

Strengthening Prosecution Efforts Against Traffickers

Conference organized by IOM and the Bosnia Herzegovina State Coordinator for Anti-Trafficking and Illegal Immigration.

The conference is aimed at strengthening regional cooperation among prosecutors in dealing with human trafficking. The conference is involving prosecutors from the Western Balkans and the wider region.

Topics include the standards and procedures related to human trafficking used by Europol and Eurojust, an European Union body established to enhance the effectiveness of member states in prosecuting serious cross-border crimes and multilateral cooperation in evidence gathering and prosecution of crimes related to human trafficking.

A set of recommendations will be adopted in how to achieve greater effectiveness in prosecuting trafficking crimes that in turn will lead to specific agreements on prosecutorial cooperation between countries.

For any further information, please contact Ms. Amela Efendic at IOM Bosnia and Herzegovina +387 33 648 168 or [aefendic@iom.int](mailto:aefendic@iom.int)

28 March, Copenhagen, Denmark

Seminar about special interview/interrogation techniques and methods of investigation in connection with trafficking in women and sexual assault.

The National Commissioner's Office (Rigspolitiet), together with the American FBI.

Save the Children Denmark was invited to participate in the first day of the seminar with the theme: Psychological profile and the interrogation of the victims of sexual offences.

31 March, Edinburgh, Scotland  
Refugee Children in Scotland.

Free event organised by Scottish Refugee Council. This event aims to identify the challenges faced by refugee children and the impact of current legislation on their protection and lives in Scotland. The event will highlight a range of initiatives by Scottish Refugee Council and other organisations to support refugee children and feature recent research findings

4-5 April, Monaco

Conference: Building a Europe for and with children.

The Council of Europe launches a three year programme

The conference will bring together government representatives, parliamentarians, children, ombudsmen for children, representatives of NGOs and other experts from the 46 Council of Europe member states. Representatives of the European Union, two regional directors from UNICEF and officials from other international organisations will also be sharing their expertise, along with judges and representatives of the largest international committees on child protection. The young people involved in the conference (14 to 18 years old) will prepare their contributions in a special seminar in Monaco on 2 and 3 April.

The conference will focus on four different themes:

- Promoting children's rights, information and awareness-raising: introducing a European strategy•
- Participation by children: guaranteeing access to information and developing consultation procedures.
- Combating sexual abuse of children in the cyber-era.
- Towards a Europe free of corporal punishment: priorities and strategies

[www.coe.int/children](http://www.coe.int/children)

27 April, London, UK

Tackling the Trafficking of Women and Children Capita conference.

<http://217.199.183.186/search/conferencespage.asp?ID=P0462>

May, June, July, United Kingdom

The Refugee Council Children's Panel is running three training days on "Age assessment awareness and working with age-disputed young people".

They hope to develop understanding about the issues involved, and to equip others to advocate on behalf of young people who have been age-disputed.

3 May 2006, Austria

Presentation of the book "Annäherungen" which is the second publication of the project "Connecting people". The project is run by the asylkoordination österreich.

23 May, Belgium

Forum on the Reception of separated children in Belgium

Organiser: The Platform "Mineurs en Exil"

Information will be soon available on [www.mena.be](http://www.mena.be)

19-25 June, UK

Refugee Week is a UK-wide programme of arts, cultural and educational events that celebrate the contribution of refugees to the UK, and promote understanding about the reasons why people seek sanctuary.

[www.refugeeweek.org.uk/](http://www.refugeeweek.org.uk/)

6-8 September, Sarajevo, Bosnia-Herzegovina

Building a positive future despite a childhood of hardships.

FICE 2006 Congress

[www.fice-congress2006.org/](http://www.fice-congress2006.org/)

## Publications

**Alleenstaande Minderjarige Asielzoekers (AMA's) en de Geestelijke Gezondheidszorg (GGZ)** / Bean, T. ; Eurelings-Bontekoe, E.H.M. ; Spinhoven, Ph., Oegstgeest : Stichting Centrum '45, 2005.

**Angst voor terugkeer : Quick scan naar het psychosociale welzijn van ama's in relatie tot het terugkeerbeleid** / Engelhard, David, Utrecht : Pharos, 2003

**Annäherungen: Junge Flüchtlinge und ihre PatInnen erzählen.** 220 p., Mandelbaum Verlag. ISBN: 3-85476-178-3

The project "Connecting people" has promoted contacts between young asylum seekers and

Austrian adults for more than five years. The book gives an insight into experiences made during this time. The contributions are written by young refugees and the Austrian adults.

**Effecten van campusopvang op de gezondheid en zorg voor AMA's** / Boer, J.B. de ; Korfker, D.G. ; Reijneveld, S.A., Leiden : TNO Preventie en Gezondheid, 2004.

**The emigration of minors in Morocco.** UNICEF report.

The investigations for this report began in 1999, covering more than 300 interviews with teenagers, families and social workers who are familiarized with the migratory problem.

The report makes several recommendations and guidelines about the measures that should be taken in the treatment of these non accompanied children. One of the controversial points that the report denounces is the memorandum that Morocco and Spain signed, in which both countries agreed to build some child centres in Morocco as an answer to the problem of the growing child immigration to Spain, and their following repatriation to Morocco. According to the UNICEF report, this solution is not the appropriate, and both governments should concentrate their efforts in the reunification of these children with their families, rather than entering them in these centres.

**Emotional and behaviour problems. Unaccompanied refugee minors.** By Ilse Derluyn. Edition Academia Press.

**The Experience of Unaccompanied Minor Mothers in Ireland: Supports, Stressors and Services.** By Leanne Robins and Jennifer Rylands.

This research was completed in October 2004 but for various reasons was only disseminated in 2006. Copies are not widely available but one should contact [leanne.robins@mailm.hse.ie](mailto:leanne.robins@mailm.hse.ie) Leanne is a social worker with the separated children seeking asylum team for the East Coast Health Service Executive.

**Falling short of the mark.** The Future Group. The study evaluates the record of various developed countries in protecting victims of human trafficking. Includes Germany, Italy, Norway, Sweden and UK. [www.thefuturegroup.org/TFGhumantraffickingvictims.study.pdf](http://www.thefuturegroup.org/TFGhumantraffickingvictims.study.pdf)

**Forced marriages in council of europe member states.** By Edwige Rude-Antoine. Council of Europe, 2005.

The report examines ways in which forced marriage takes place, as well as means used to prevent and address the practice. The report examines forced marriage in 28 countries.

**[Foreign migration in Slovak republic. Condition, trends and public connections].** By B. Divínsky. Friedrich Ebert Stiftung, Bratislava, 2005. In Slovak with an English resume

**Good Practices in Response to Trafficking in Human Beings : co-operation between civil society and law enforcement in Europe.** Danish Red Cross, 2005.

[www1.drk.dk/graphics/English/Trafficking/reference\\_rc/1088\\_drk\\_human\\_manual\\_web%20%282%29.pdf](http://www1.drk.dk/graphics/English/Trafficking/reference_rc/1088_drk_human_manual_web%20%282%29.pdf)

**[A Guide regarding specific procedures and activities for vulnerable categories, carried out within the National Refugee Office].** Drafted by the Romanian NRO. The guide includes guidelines for eligibility officers dealing with separated children and it is of internal use within NRO.

**Ik weet dat ik altijd kan bellen : Werkwijze en ervaringen maatjesproject AMA 18+** / Smulders, M ; Cox, Sj. ; Abdulhak, R., Tilburg : PON, 2005

**Invisible children : the human rights of migrant and asylum-seeking minors detained upon arrival at the maritime border in Italy.** Amnesty International

[web.amnesty.org/library/Index/ENGEUR300012006](http://web.amnesty.org/library/Index/ENGEUR300012006)

**Kinderen en de asielpraktijk : de positie van het kind voor, tijdens en na de asielprocedure – tegen de achtergrond van het internationaal recht** / ACVZ, Den Haag : ACVZ (Adviescommissie voor Vreemdelingenzaken), 2003.

**Kinderen in procedure : Over de behandelingen van asielverzoeken van alleenstaande minderjarigen** / Marcelle Reneman. In: Nieuwsbrief Asiel- en Vluchtelingenrecht (NAV), 2003, nr. 2 (februari) – P. 76-87.

**Kinderen van de rekening : een handreiking voor hulpverleners bij de asielpcedures van binnengekomen alleenstaande minderjarige asielzoekers (ama's)** / A. Zuurmond  
<http://home.betnet.nl/~arie-zuurmond/kind%20rekening.pdf>

**Leeftijdsonderzoek: de twijfel blijft** / Wilma Lozowski. In: Nieuwsbrief Asiel- en Vluchtelingenrecht (NAV), 2004, nr. 3 (maart). P. 144 – 159.

**Listening to the refugees : report on the gender, age and diversity roll-out in Hungary, Poland, the Slovak Republic and Slovenia.** UNHCR  
Includes suggestions related to separated children.

**Ontheemd, Vreemd en Minderjarig : het recht op ontwikkeling van de alleenstaande minderjarige vreemdeling in (internationale) wet- en regelgeving** / Cardol, Goos, Nijmegen : Wolf Legal Publishers, 2005.

**Promoting inclusion for unaccompanied young asylum seekers and immigrants – A duty of justice and care.** European Social Network  
The report of a two year transnational project involving government, local authorities, NGOs and young asylum seekers.  
[www.socialeurope.com/asylum](http://www.socialeurope.com/asylum)

**Rapport Zicht op ontwikkeling : De Veiligheid van de AMA-opvang.** Utrecht: Inspectie jeugdzorg, 2004

**Refugee Children: Safeguarding the future of those hardest to protect.** Refugee Council.  
The theme of the Refugee Council's conference last autumn was 'refugee children'. Two conferences were held in London and York. A conference report is now available.  
[www.refugeecouncil.org.uk/refugeecouncil/training/conference\\_details.htm#children](http://www.refugeecouncil.org.uk/refugeecouncil/training/conference_details.htm#children)

**Refugee protection and integration in Bulgaria 2004-2005.** A handbook.

**Report of the Special Rapporteur on human rights of migrants.**  
Addresses the issues of migrant children, separated and unaccompanied children:  
[www.ohchr.org/english/bodies/cbr/docs/62cbr/ecm4-2006-73.doc](http://www.ohchr.org/english/bodies/cbr/docs/62cbr/ecm4-2006-73.doc)

**Rights Based Child Law.** Published by the Law Reform Committee of the Law Society of Ireland.  
Has a chapter entitled 'Children not in the care of their parents' to include child refugees and asylum seekers, separated children and trafficked children. most of the recommendations in the chapter follow the Irish Refugee Council's recommendations as well as the standards set forth in the SCEP Statement of Good Practice

**This is a good place to live and think about the future... : the needs and experiences of unaccompanied asylum-seeking children in Scotland.** Peter Hopkins and Malcolm Hill. The Glasgow Centre for The Child and Society; Scottish Refugee Council.  
[www.scottishrefugeecouncil.org.uk/pub/UASC\\_Report](http://www.scottishrefugeecouncil.org.uk/pub/UASC_Report)

**Tussen mythe en misdaad : jonge vluchtelingen in de prostitutie?** / Bronsveld, Cees, Amsterdam : Edmund Husserl Stichting, 2004.

**What about Us? Children's Rights in the European Union - Next Steps**  
[www.nspcc.org.uk/inform/publications/downloads/WhatAboutUs\\_gf27967.pdf](http://www.nspcc.org.uk/inform/publications/downloads/WhatAboutUs_gf27967.pdf)

## Useful web sites

[www.socialeurope.com/asylum/index.htm](http://www.socialeurope.com/asylum/index.htm) - information about the EU-project "Promoting social inclusion for unaccompanied young asylum seekers and refugees - a duty of justice and care".

[www.iml.iom.int/](http://www.iml.iom.int/) - IOM's International Migration Law Online Database of international, regional and national migration law aimed at providing government officials, researchers, migrants and the general public easy access through the internet of international migration law.

### Austria

Relaunch of the web site [www.epima.at](http://www.epima.at)  
EPIMA2 is an initiative for the development of measures for the education and integration of young asylum seekers in Austria. The web site contains a section in English.

### Denmark

Appendix to the Danish Government's Action Plan to combat trafficking in women, in English at <http://ligeuk.itide.dk/>

## France

[www.migreurop.org](http://www.migreurop.org) - The Migreurop network that formally became an organization according to French law in November 2005:

## Latvia

The Office of Citizenship and Migration Affairs is a supervisory body of the Ministry of Interior of Republic of Latvia responsible for issues of identity documents and travel documents, maintenance of the Population Register, implementation of state migration policy, including development and implementation of repatriation and asylum policy.

[www.pmlp.gov.lv](http://www.pmlp.gov.lv)

## Luxembourg

Foundation Caritas Luxembourg: [www.caritas.lu](http://www.caritas.lu)

## The Netherlands

[www.nidos.nl](http://www.nidos.nl) - organisation for guardianship

[www.vluchtelingenwerk.nl](http://www.vluchtelingenwerk.nl) - Dutch council for refugees

[www.iom-nederland.nl](http://www.iom-nederland.nl)

[www.returnandprogress.nl](http://www.returnandprogress.nl)

[www.defenceforchildren.nl](http://www.defenceforchildren.nl)

[www.samah.nl](http://www.samah.nl) - organisation for separated children

[www.pharos.nl](http://www.pharos.nl) - NGO promoting health for refugees

[www.ind.nl](http://www.ind.nl) - Immigration and Naturalisation Service

[www.geenkindindecel.nl](http://www.geenkindindecel.nl)

[www.justitie.nl](http://www.justitie.nl) - Ministry of justice – information in English on age assessment, Uma Policy

## Romania

[www.unhcr.org](http://www.unhcr.org)

[www.salvaticopiii.ro](http://www.salvaticopiii.ro) – Save the Children Romania

[www.cnrr.ro](http://www.cnrr.ro) – Romanian Refugee Council

## UK

[www.nrif.org.uk/Education](http://www.nrif.org.uk/Education) – Promoting integration through education, new website for refugees in the UK

A new website being developed by NCB will enable practitioners working with asylum seeking and refugee children to access a wide range of knowledge and advice.

The website, due to be launched in June, will disseminate good practice guidance, research and training materials compiled as part of an NCB project to improve practice in the assessment and

planning for unaccompanied refugee and asylum seeking children.

More information:

[www.ncb.org.uk/news/news\\_story.asp?ID=190](http://www.ncb.org.uk/news/news_story.asp?ID=190)

## Reporting organisations

Asylkoordination Österreich

Bulgarian Helsinki Committee, Refugees' and

Migrants' Legal Protection Programme

Bulgarian Red Cross-Refugee Unit

Caritas-Bulgaria

Caritas Foundation Luxembourg, Refugee Office,

Passepartout Project

Central Union for Child Welfare (Finland)

Centre for Social Policy Initiatives (Croatia)

Counselling Centre for Refugees (Czech Republic)

Defence for children International – Belgium/Plateforme “Mineurs en Exil”

Defence for Children International - The

Netherlands & Ecpat the Netherlands

Dutch Refugee Council

International Social Service, Swiss Branch

Irish Refugee Council

Latvian Red Cross

Menedék (Hungary)

Nobody's Children Foundation (Poland)

Refugee Council (UK)

Save the Children in Albania

Save the Children Denmark

Save the Children Romania

Save the Children Spain

Save the Children Sweden

Save the Children UK

Slovak Humanitarian Council

Slovene Philanthropy

UNHCR BO Sofia

UNHCR London Office

UNHCR Romania

UNHCR Representation in Slovakia

UNHCR Representation in the Czech Republic

UNHCR Service de Liaison pour la Suisse et

Liechtenstein

UNHCR Spain

UNHCR the Netherlands

## Statistics on arrivals of separated children seeking asylum in Europe by March 2006

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

Receiving country	Figures		Age 15-18		Males	Females	Main countries of origin		Source
	2005	2006	2005	2006					
Austria	877	34 (Jan.)	N/A	N/A	N/A	N/A	2005: Afghanistan Russian Federation Nigeria		Federal Ministry of Interior (MOI)
Belgium	2.131	N/A	79 %	N/A	62 %	38 %	DRC Congo, Afghanistan Romania India Former Yugoslavia Guinea		Guardians Service
Bulgaria	155	9 (Jan.- Feb)	137	7	2005: 137  2006: 8	2005: 0  2006: 1	2005: Afghanist Banglad.  Iran India Nigeria Pakistan Somalia	2006: Afghanist Iraq	State Agency for Refugees
Czech Republic	106	15	2005: 106  2006: 15	56 A	2006: 10	2006: 5	2005: India (32) China (30) Slovakia (9)		Ministry of Interior
Denmark	109 A	6 A (Jan.)	N/A	N/A	N/A	N/A	China Afghanistan Somalia Iraq		Danish Immigration Service
Finland	220 A	N/A	2005: 193 (14- 18)	N/A	2005: 167	2005: 53	2005: Somalia (68) Afganistán (62) Iraq (22) Bulgaria (13) Angola (9)		Directorate of Immigration
Hungary	41 A	15 A	40 A	15 A	2005: 37 A 2006: 15 A	2005: 4 A 2006: 0	2005: Nigeria Georgia Moldova Afghan. Vietnam	2006: Banglad. Vietnam Georgia India Congo Uganda	Office of Immigration and Nationality

Receiving country	Number		Age 15-18		Males	Females	Main countries of origin	Source
	2005	2006	2005	2006				
Ireland	643 A	91 A Jan-Feb	N/A	N/A	2005: 313 2006: 45	2005: 309 2006: 45	Nigeria Somalia Romania Ethiopia Eritrea Afganistán	<sup>1</sup> Health Service Executive (Separated children seeking asylum social work team)
Latvia	2		2		1	1	Border guard is identifying	Ministry of Interior
Luxembourg	13 E	1 A	9	1	2005: 9 2006: 1	2005: 4 2006: -	Angola, Camerún, Togo, Senegal, Mauritania, Sudan, Former Yugoslavia, Former USSR	Caritas Refugees Office, Passepartout
Netherlands	515 A	400 E	400 E	N/A	2005: 60 % E	2005: 40 % E	Iraq Somalia India	IND; COA
Poland			131	N/A	N/A	N/A	Russia (Chechnya) 115	Office of Repatriation and Aliens
Romania	3 A	3 A	3	3	2005: 3 <sup>2</sup> 2006: 2	2005: - 2006: 1	Liberia Somalia	Save the Children and National Refugee Office (NRO)
Slovakia	142 A	10 A Jan-Feb	140 A	1048 A	2005: 138 A 2006: 9 A	2005: 4 A 2006: 1 A	India Moldavia Vietnam Bangladesh Russia	Migration Office (Ministry of Interior), Orphan House Horne Orechove and SHC
Slovenia	122 E	6 E	120	6	2005: 117 2006: 6	2005: 5 2006: -	Albania, Turkey, Serbia & Montenegro, India, Moldova	Slovene Philanthropy
Sweden	398	N/A	344 (13-17 y.)	N/A	2005: 255	2005: 143	Iraq, China, Somalia, Afghanistan, Serbia- Montenegro	Migration Board

<sup>1</sup> These statistics are based on referrals to the HSE. Many of the children get reunited with family members in Ireland and the rest are put in care. Not all lodge an asylum claim. Where figures do not add up it is because children have gone missing from date of original referral.

<sup>2</sup> Discrepancies between UNHCR/NGO statistics and NRO statistics (mentioning 2 male separated children for 2005 and 1 female separated child for 2006), are due to the fact that UNHCR/NGO considers that benefit of the doubt should have been given to a person assessed as being between 18 and 19 years, since the margin of error of such assessment is more than 1 year, according to experts.

Receiving country	Number		Age 15-18		Males	Females	Main countries of origin	Source
	2005	2006	2005	2006				
Switzerland	415	N/A	390	N/A	2005: 338	2005: 77	Guinea Conakry, Ivory Coast, Somalia, Afghanistan	Federal Office for Migration (FOM)
UK	1470 (Total no. children from July 05 to Dec. 05 – provis)	None  1/1/20 06 – 28/2/2 006			2005: 2006:  2005: 2464 2006: 439 (gender unkno wn at time of referral for some)	2005: 2006:  2005: 867 2006: 142 (gender unkno wn at time of referral for some)	Afghanistan Iran Eritrea Somalia China DRC	Home Office: 3rd and 4th Quarter Asylum Statistics Refugee Council Children's Panel
	3375	587	2,650	455				

### Statistics on trafficked minors in Europe by March 2005

#### Denmark

There has been some concern that some of the separated children coming from China may be victims of trafficking. Since beginning 2005, 50 Chinese children have arrived and been placed in the Danish Red Cross Reception centre for Separated Children. This concern builds on many observations: most of the children arrive in groups, arrive with money and cell phones, stay the same length of time, disappear in groups and leave important luggage behind, and it is known that some of the children were smuggled into Denmark etc.

On account of the increased concern, these children have also been under closer supervision, just as all of them have been allocated a guardian within a few days. Five of the children were returned to Sweden and 33 had disappeared by January 11 2006. No Chinese children have arrived since December 26 2005.

#### Finland:

There has not been a single case of a child victim of trafficking brought to the prosecutor yet, but there have been some cases where authorities have suspected young asylum seekers might have been victims. They have either been caught at the boarder or they have asked for asylum. Boarder police or staff in a reception centre have realised certain indicators on what young people have told themselves or how they behave. Sometimes suspects erase in the Directorate of Immigration.

According to Ministry of Labour there have been about 10 such cases during recent year. Three of these young people were returned and three got missing. Four of them are still staying in Finland as asylum seekers. They are living in a group home of a reception centre where the staffs are keeping an eye on them to protect them from disappearing. They have also been informed about the motive to this kind of protection and about these suspicions.

## Hungary

2005	2006 (provis.)	Age group 15-18 years	Males	Females	Main countries of origin	Source for statistics
32 (A)	12(E)	2005: 32 (A) 2006: 12 (E)	2005: 26 2006: 12 (E)	2005: 2 2006: 0	Nigeria, Afghanistan, Georgia, Moldova, Vietnam	Office of Immigration and Nationality

## Poland

According to the Office of the Main Prosecutor there were 10 cases in 2005 concerning trafficked minors in the age group 15-18 years.

## Slovakia

2005	2006 (provis.)	Age group 15-18 years	Males	Females	Main countries of origin	Source for statistics
2 E	2 E	2005: 1 E 2006: 2 E	2005: 1 E 2006: 2 E	2005: 1 E 2006: 0 E	Vietnam India Bangladesh	SHC

We think that more than 90% of unaccompanied children were trafficked to the Slovakia and from Slovakia to another country in the Europe Union. In many cases, the traffickers wait for the children near the specialized centres. The centres cooperate with the police, city police and special forces against trafficking of people. However, the specialized centres are not very close to the towns and when the centres inform about the disappearance of a child, the police is usually late.

## Slovenia

Serious suspicion of victimisation by human traffickers occurred in twelve cases of minors (3 females from Bosnia and Herzegovina and Macedonia, age of 14, 16 and 17 and 9 males from India, age 15-18).

## Sweden

There is no official source of statistics for the number of children who are victims of trafficking. A recent estimate of the total number of victims (i.e. both children and adults) of trafficking in human beings for sexual exploitation is somewhere between 400 and 600 for 2003. (Source: Transcrime, relying on statistics from National Council for Crime Prevention). See also response under 'Missing children'.

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