



Separated Children in Europe Programme

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Annex: Statistics on arrivals of separated children seeking asylum & Statistics on trafficked minors

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

Steering Committee

The Steering Committee has approved the work plan for 2005 and is increasing its fundraising efforts in order to diversify SCEP's sources of funding. The Steering Committee will meet in the end of May to review progress with regards to the implementation of recommendations put forward in the November 2004 external evaluation of SCEP.

Daphne II Grant

SCEP has recently signed a contract with the EC, which will support the translation of the Statement of Good Practice into all languages used across our Network as well as contribute to support national awareness raising and co-ordination activities where the Statement of Good Practice will be used.

EU Working Group

In close collaboration with Save the Children's Brussels Office, SCEP's EU Working Group continues to monitor EU developments and to advocate for the best interests of the child. The Group is currently finalizing a position paper on external processing and beginning the drafting of a new position paper on the pros and cons of the use of biometric data. Together with a wider platform of NGOs, SCEP will also continue its lobbying efforts targeted at the drafting of the EU Returns Directive.

Statement of Good Practice

SCEP is preparing an addendum to the Statement of Good Practice, which will incorporate provisions from recently adopted legally binding documents from the EU and Council of Europe.

Dublin II research

UNHCR has recently contracted an expert to prepare a report on the impact of Dublin II on separated children. This initiative will be closely coordinated with SCEP and its NGO Network.

The research will take into consideration:

- The current legal framework and relevant standards
- Available statistical data relating to separated children
- The arrangements undertaken for the return/transfer of separated children
- The situation of separated children pending their return/transfer
- The outcomes for separated children who have been returned/transferred

The aim of this preliminary research is to analyse how Dublin II procedures measure up to international standards and to document current practice in order to analyse the impact of the application of Dublin II upon separated children.

The findings of the research should then be used as a benchmark from which to inform practice, raise awareness, and lobby for change as appropriate.

Closely linked to the practical application of the regulation are the questions of whether separated children are able to access asylum determination procedures and if so whether these procedures are suitable for and sensitive to the needs of children.

Changes with NGO partners & UNHCR

Irish Refugee Council, new Separated Children's Officer and SCEP contact: Héilean Rosenstock-Armie, temporary e-mail heilean@hotmail.com

Slovenia: Since January 2005 the Centre for Psycho-social Assistance to Refugees of Slovene Philanthropy has employed a Separated Children Co-ordinator.

UNHCR Ireland, new SCEP Focal point: Head of Office Jesper Lindholm, lindholm@unhcr.ch

UNHCR Spain, new SCEP Focal point: Margarita de la Rasilla, rasilla@unhcr.ch

UNHCR

UNHCR Gender and Age Mainstreaming Pilot Project Evaluation

Following three independent evaluations on refugee women, refugee children and the role of community services, UNHCR launched a gender and age mainstreaming pilot project in early 2004.

In early 2005, the Division of Operational Support carried out evaluations in countries that participated in the pilot project prior to July 2004. The purpose of the evaluation was to assess the impact of the Gender and Age Mainstreaming pilot project and to use this learning to inform the planned rollout of the project in 2005. The objectives of the evaluation were:

- to document and explore progress towards Gender and Age Mainstreaming
- to examine the appropriateness/ effectiveness of the methodology used as a first step towards mainstreaming
- to highlight lessons and recommendations for the roll out of the project

Four areas of impact were to be explored: analytical approaches and attitude change; procedures and work processes; leadership and pilot methodology.

A copy of the report can be requested from

Floor@unhcr.ch

Le Réseau Méditerranéen pour la protection des Mineurs Isoles

In the end of March there was a meeting of an emerging network of local governments, NGOs and research institutes in the Mediterranean which are working with separated children (illegal migrants, trafficked children, and asylum seekers).

They wish to expand the network to all countries of the Mediterranean and establish contacts and cooperation with organisations like UNHCR and networks like SCEP.

The network is called Le Réseau Méditerranéen pour la protection des Mineurs Isoles (REMI) and its working language is French.

For more information contact Floor@unhcr.ch

European Union

In a recent speech to the Bundestag, the Commissioner with responsibility for Freedom, Security and Justice, Mr Franco Frattini said:

“In cooperation with several fellow Commissioners I have taken the initiative to draw up an inventory of the measures that have been taken or are under way for the purpose of protecting the rights of children at the level of the European Union. On this basis I intend to develop a strategy on how we can further develop and strengthen our efforts to do all that is within our powers to ensure the full respect of the rights of the children and their protection in Europe as well as in the rest of the world.”

The European Commission is currently drawing up an action plan for the creation of an area of freedom, security and justice to be presented in May 2005.

The European Commission has adopted a green paper entitled “*An EU approach to managing economic migration*”. Its aim is to stimulate a public debate on the need to develop a comprehensive EU strategy on this issue. Contributions can be submitted up to 15 April 2005 and a public hearing will be organised in July 2005. On the basis of this consultation, the Commission should present a policy plan on legal migration before the end of the year. More information is available at:

europa.eu.int/comm/justice_home/news/consulting_public/news_consulting_public_en.htm

Consultations will be launched in 2005 on the possible establishment of a European Migration Monitoring Centre. The European Commission is also developing its European Neighbour Policy which will include a framework for cooperation with third countries on migration management, refugee protection, and combating cross border crime. The EU border agency will also become operational this year.

Evaluation of the first set of standards and measures, towards a common asylum system will be carried out throughout 2005 and 2006, and will provide a basis for developing a common European system

The number of people seeking asylum in EU countries fell by 19% in 2004, over 2003 according to UNHCR figures. Despite Slovakia’s accession to

the EU in 2004, 1,761 people from Slovakia applied for asylum in the EU in 2004.

Hague Programme in the Official Journal

The definitive text of the Hague Programme, laying out the grounds for a EU policy in the field of Freedom, Security and Justice, was published in the Official Journal of the European Union, March 2005.

europa.eu.int/eur-lex/lex/JOHtml.do?uri=OJ:C:2005:053:SOM:EN:HTML

Best practice and skills audit from EU EQUAL

A skills auditing process, acknowledging asylum seekers’ professional experiences, should form an integral part of the Common European Asylum System. Skills audits can match the skills of asylum-seekers to those needed in the EU labour market, thereby promoting integration to the benefit of both the asylum seeker and the host country. This was the message when the European Thematic Group on Asylum Seekers (ETG5), which is a part of the EU’s EQUAL initiative to promote equality and participation in the labour market, presented the results of the first round at a conference hosted by the European Commission and the Polish Government in Warsaw on 25 and 26 February. The ETG5 also made specific policy recommendations to national policy makers, stressing that the benefits of skills audit far exceed the costs.

For more information:

europa.eu.int/comm/employment_social/equal/policy-briefs/etg5-skill-audits-as_en.cfm

Access report on skills audit:

forum.europa.eu.int/irc/Download/koewAJJ-mrGCWg6SETUp2UxVqIIDf4n74uPUu7pj5uSCOV FZ0GWP1jG50py/Skills%20Audits%20folder.pdf

UK Presidency of the European Union

The UK's Justice and Home Affairs priorities for its Presidency of the EU will fall under the following three themes:

- Managing migration
- Security through cooperation
- Safer, stronger communities

Asylum and immigration priorities cut across these three themes and are expected to focus on: strengthening external borders; enhancing cooperation with non-EU countries; developing an EU returns programme; developing a pilot regional

protection programme; enhancing the use of biometrics; and integration of migrants and refugees.

The UK will be progressing work on the Hague Programme, the 5-year freedom, security and justice work programme that was agreed in November 2004. It will be evaluating the work carried out in the first stage of the EU asylum harmonisation process and taking forward the Commission's communications on a single asylum procedure within member states; on practical co-operation between member states, including co-operation on country of origin information; as well as the forthcoming Commission proposal for a directive for long term residence for refugees.

Council of Europe

Convention on Action against Trafficking in Human Beings

The Convention text has been finalized by the drafting committee and is now with the Committee of Ministers for their approval.

A copy of the final text of the Convention may be requested in English or in French from

DG2.Trafficking@coe.int

Amnesty International is gravely concerned that the adoption and implementation of the disconnection clauses could result in the EU applying lower standards of human rights protection than those set out in the Council of Europe treaties, see

web.amnesty.org/library/Index/ENGIOR300082005

Amnesty International and Anti-Slavery International issued a report on 21 February: "Council of Europe: Recommendations to Strengthen the December 2004 Draft European Convention on Action against Trafficking in Human Beings". The report is calling for victims of trafficking to be given sufficient time and assistance to recover and not to be penalized for illegal entry, residence or other consequences of their situation. The two organisations stress that the focus must be shifted from protection of borders to protection of victims of trafficking. Access the report in full:

web.amnesty.org/library/index/engior610012005

The Chairperson of the Parliamentary Assembly's Committee on Legal Affairs has also voiced his concerns, see

assembly.coe.int/EMB_NewsView.asp?ID=687

PACE Report on protection and assistance for separated children

The Committee on Migration, Refugees and Population has produced a report and draft recommendation on protection and assistance for separated children seeking asylum, Doc 10477, to be considered at the 28th April meeting of the Parliamentary Assembly.

Available in English and French at

assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/WorkingDocs/Doc05/EDOC10477.htm

Committee on Social Rights of the Council of Europe: Decision on access to health care

The Committee on Social Rights of the Council of Europe, which has as a task to monitor the application of the European Social Charter, has ruled that "legislation or practice that denies entitlement to medical assistance to foreign nationals, within the territory of a State Party, even if they are there illegally, is contrary to the Charter."

No. 14/2003 International Federation for Human Rights (IFHR) v. France

"The complaint, lodged on 3 March 2003, relates to Articles 13 (the right to social and medical assistance), 17 (the right of children and young persons to social, legal and economic protection) as well as Article E of the Revised European Social Charter (prohibition of all forms of discrimination in the application of the rights guaranteed by the treaty). It is alleged that recent reforms of the «Aide médicale de l'Etat» (State medical assistance) and to the «Couverture maladie universelle» (Universal sickness cover) deprive a large number of adults and children with insufficient resources of the right to medical assistance. The European Committee of Social Rights transmitted its decision on the merits of the complaint to the Parties and to the Committee of Ministers on 3 November 2004".

The text of the decision is available at

www.coe.int/T/E/Human%5FRights/Esc/4%5FCollective%5Fcomplaints/List_of_collective_complaints/RC14_on_merits.pdf

Committee on the Rights of the Child

Draft General Comment

The Committee on the Rights of the Child is currently drafting a *General Comment on the Treatment of Unaccompanied and Separated Children outside their Country of Origin*. The first draft was considered during its January session. A revised draft should be ready at the end of April and the Committee plans to adopt it in the May/June session. The NGO Group for the CRC (Child Rights Information Network www.crin.org) will be co-ordinating NGO

comments. For more information contact: Ms. Theytaz-Bergmann at libeytaz@pingnet.ch

2005 Day of General Discussion on "Children without parental care"

16 September 2005, Geneva

For more information:

www.obchr.org/english/bodies/crc/discussion.htm

or contact CRCgeneraldiscussion@obchr.org

Concluding Observations of 38th Session of the Committee on the Rights of the Child can be found at www.obchr.org/english/bodies/crc/crcs38.htm.

Available now (by April) for Austria, Luxembourg and Sweden.

Austria: On 28 January 2005 the Committee on the Rights of the Child published the Concluding Observations concerning the situation of children in Austria. Article 45 of the report includes some very critical comments on the situation of young asylum-seekers in Austria:

While the Committee acknowledges the efforts undertaken by the State party at the Federal and Länder level to increase the number of adequate accommodation places for unaccompanied and separated asylum seeking children, it remains concerned that the existing reception facilities are still insufficient compared to the number of applicants and that unaccompanied and separated asylum seeking children are not systematically accorded guardians. 48. The Committee recommends that the State party:

- a) ensure that guardians are systematically appointed to unaccompanied and separated asylum seeking children and ensure that the best interests of the child are duly taken into account;*
- b) ensure that all interviews with unaccompanied and separated asylum seeking children are carried out by professionally qualified and trained persons;*
- c) provide for adequate accommodation taking into account the state of development of all unaccompanied and separated asylum seeking children; and*
- d) fully take into account the principle of the best interest of the child when deciding on the deportation of unaccompanied and separated asylum seeking children and to avoid their placement in custody pending deportation.*

The entire document:

www.obchr.org/english/bodies/crc/crcs38.htm

Bulgaria: Bulgarian Helsinki Committee (BHC) was invited to become a member of an Inter-Agency Working Group on Planning, Monitoring and Control of the Implementation of the CRC in

Bulgaria. The members of the Working Group are experts on children's rights and are involved in the process of elaborating a National Plan for Children for the period 2005-2009. The Plan is adopted by the National Council for the Child Protection, which is a consultative body within the State Agency for the Protection of the Child.

Croatia: The Ombudswoman for Children was appointed in 2003. The Office of the Ombudswoman is tasked with monitoring, protection and promotion of the rights of children in compliance with the Constitution, laws and related international documents. Through different activities, it informs children about their rights and enhances participation of children in the procedures related to achievement of their rights. In 2004 the Office of the Ombudswoman for Children established co-operation with related state bodies and NGOs dealing with children. The Ombudswoman actively supported activities related to separated children who are foreign nationals, including asylum seekers, and became involved in discussions on related issues.

Denmark: In January 2005 organisations from the Danish civil society finalised a supplementary NGO Report to the Danish Government's 3rd periodic report submitted to The UN Committee on the Rights of the Child. Save the Children Denmark is part of the collaborating group on the CRC in Denmark and reported together with seven other organisations. Some of the recommendations were regarding separated children:

- 1) It ought to be ensured that separated children seeking asylum also receive legal representation/an attorney when the child's application for asylum is denied and the decision has to be made whether he or she receives a special residence permit granted to children in the event they risk exposure to a genuine emergency upon repatriation.*
- 2) That the Danish government takes concrete initiatives for the identification of trafficked children in Denmark and that the high number of disappeared children from the Children's Centre for Unaccompanied Asylum Seeking Children is extremely disconcerting and that closer examination of the fate of these children ought to be undertaken.*

The whole document:

www.redbarnet.dk/Default.asp?ID=988

Changes and Developments in Law, Policies and Practice

Austria: The UN refugee agency has criticized a proposed Austrian asylum law Wednesday, arguing that some of its provisions are "Kafkaesque" and violate the Geneva Conventions.

The UNHCR, one of several groups invited by the Interior Ministry to comment on the proposal, said the new law would put asylum seekers at risk. UNHCR alleges it would make it harder for people to get asylum because they have to prove that they would definitely face oppression – rather than simply show they likely would.

Austria introduced a new asylum law last May, but the country's constitutional court struck down parts of it as being unconstitutional. The draft was in reaction to the court decision.

Koefner said 11 aspects of the proposal violate the Geneva Conventions either directly or indirectly because it would send asylum seekers back to countries where they risk being oppressed.

A spokesman for the Interior Ministry, said the UNHCR comments would be studied in detail. But he defended the idea behind the proposal.

Other provisions singled out by UNHCR as particularly harmful include:

- Measures that prevent potential asylum seekers from entering Austria
- A regulation allowing authorities to drop the appeals process if an asylum seeker does not immediately respond to a request for an interview
- Limiting the possibility for refugees to get asylum if the expressed risk for oppression arose only after they had left the country they are fleeing from

Under European Union rules, asylum applicants should be processed in the union country where they first arrive. Austria, however, is proposing detaining asylum seekers while it investigates whether another EU country should handle their applications.

Koefner said he found this worrying because detention might remind refugees of past traumatic detentions.

(Extracts from AP Worldstream, April 06 2005)

Bulgaria: The Bulgarian Parliament adopted amendments to the *Law on Refugees and Asylum* at the second reading. They will enter into force immediately after their publication in the State Gazette.

The Bulgarian Helsinki Committee (BHC) and UNHCR took part in the discussions in the course of their first reading at the Parliamentary Commission on the Human Rights and Religions with the National Assembly. The BHC comments on the draft Amendments of the Law regarding 'Definition of the family members' can be obtained from the BHC. For extracts of BHC comments on 'Reasonable doubts after an age assessment', *see section on age assessment*, and on 'Unaccompanied minors seeking Asylum represented by the Social Assistance Directorate if there is no Guardian appointed for them', *see section on guardianship*.

Croatia: Until 1 July 2004 the basis for an asylum application was found in the Law on Movement and Stay of Aliens of 1991. The new Law on Foreigners entered into force on 1 January 2004. However, the provisions related to asylum were applied until the Law on Asylum entered into force on 1 July 2004. In 2004, all by-laws that were necessary for the implementation of the Asylum Law were passed and published in the Official Gazette:

- Rule Book regarding Accommodation of Asylum Seekers, Asylees and Foreigners under Temporary Protection; (under the Asylum Law, the term "asylees" is used for the term "refugees").
- Rule Book on Forms and Way of keeping Records for Asylum Seekers, Asylees and Foreigners under Temporary Protection, and
- Rule Book regarding the Amount of Financial Assistance that will be granted to Asylum Seekers, Asylees and Persons under Temporary Protection.

In cooperation with the competent health institution, the Ministry of Interior also regulated medical and hygienic screening of asylum seekers. As per the Asylum Law, the Ministry of Interior decides on asylum applications in the first instance. Rejected asylum seekers can lodge an appeal with the Government Commission that was established in August 2004. The Commission passed its own Rules of Procedure in September 2004. The Croatian authorities have not made any positive decisions on asylum claims thus far.

Czech Republic: In 2004, two draft amendments to the Aliens Act (The Act No 325/1999 Coll. on Asylum—later amended by Act No. 2/2002 Coll., Act No. 217/2002 Coll., Act No. 320/2002 Coll., Act No. 519/2002 Coll., and Act No. 222/2003 Coll.) were introduced by the Czech Ministry of Interior, one of which was relevant to separated children. Of major significance, it gives the

definition of 'separated child' in the Czech Republic in accordance with the EU directives as "the term 'unaccompanied minor' shall mean a person under 18 years of age, who arrived in the territory unaccompanied by an adult responsible for him/her under the legal system valid on the territory of a state of which the person under 18 years is a national, or in case of a stateless person, the country of his/her last residence, for such a period of time, during which he/she is not effectively taken into the care of such a person; unaccompanied minor is also a person under 18 years, who was left unaccompanied after he/she entered the territory." (Art 2 (9))

Denmark: In spite of its opt-out on EU asylum policy, Denmark will soon apply two key pieces of asylum legislation, the Eurodac and Dublin regulations (2000/2725/EC and 2003/343/EC). On March 7 the EU Council of Ministers gave the green light for a bilateral agreement between the EU and Denmark to be signed. The agreement was signed on the margins of Coreper II of 9 March 2005. The European Parliament's opinion is now being sought. The agreement will likely be formally concluded later this year.

Germany: On 1st January 2005, the immigration law entered into force, with a new "Residence Act" replacing the Aliens Act of 1990. Additionally, the Asylum Procedures Act and other provisions have been changed in part.

The law brings about positive changes regarding the recognition of persecution at the hands of non-state actors as well as persecution on account of gender, which will according to Section 60.1 of the Residence Act be recognized as reasons leading to full refugee status and not, as very often in the past, to a humanitarian status only.

Separated children who suffered gender-related persecution e.g. female genital mutilation, FGM, or forced marriages, but also child soldiers who fled the recruitment of guerrillas now have a greater chance to be granted refugee status.

Another positive aspect of the new law is that family members of 1951 Convention refugees (former Section 51 Aliens Act) will also be accorded refugee status (Art. 3 Immigration Act, Nr. 17: Changes in Section 26 Asylum Procedure Act) and not only a residence permit, which in the past was a

problem for children as their residence permit could be revoked at the time the minor turned 18.

The effects of some other provisions, like the possibility to be granted a humanitarian status through the aliens authority e.g. if a departure from Germany is not possible due to legal or de facto reasons (Art. 1 Immigration Act: Section 25 V Residence Act) or through a so called "hardship commission" (Section 23a Residence Act) are difficult to assess since it is not clear how the authorities will handle the provisions.

Other problematic provisions of the German law, for example that minors aged 16 and above are given the legal capacity to file an asylum application independently, unfortunately remained unchanged in the Immigration Act.

Greece: Some changes in the legislation are envisaged to occur in the process of transposing the EU Reception Directive. Also, a new draft law on migration will allegedly also contain some provisions on the care of separated children, for the first time.

Luxembourg: A new law will be voted soon. Caritas wants the youngsters to be placed under the authority of the child protection law which would guarantee an adapted place to live and a legal guardian. The general tendency of the law for the moment seems to more and more compare teenagers with adults.

Norway: A proposal for a new Norwegian Immigration Act is out and Save the Children Norway will give a submission to The Ministry for Local Government and Regional Development before the 1st of July.

Poland: During previous years, UNHCR Warsaw great concern was the treatment of separated children, particularly with regard to guardianship, detention and social services. In 2004 treatment of separated children improved, as the authorities implemented provisions of the new Aliens Protection Law introduced in September 2003, and UNHCR welcomed efforts of the authorities to implement relevant legislation in line with international standards.

However, in many aspects the situation of children arriving to the country with parents remains difficult. The main issues of concern include: identification of separated children who have

grounds to seek asylum, access to education for children seeking asylum and finally, limited integration possibilities for recognized refugees, also minors.

In its 3rd Report (30 October 2002), the Committee on the Rights of the Child drew attention to treatment of separated children seeking asylum, the situation of separated children placed in Emergency Wards and access of alien children to education. While the authorities addressed the first issue, the other two remain greatly unsolved.

Since 2000, Children Rights Ombudsman works to protect rights and liberties of children including protection from violence, cruelty, exploitation and demoralization. Every year the Ombudsman reports on his/her activities to the Parliament. Until now, Children Rights Ombudsman has shown limited interest in situation of children seeking asylum.

Portugal: During 2004, asylum was an absent issue on national political agenda. By the contrary, an active migration policy continued to be developed. This might be consequence of the low numbers on asylum applications in Portugal as opposed to the influx of immigrants. The mixed flows also influence negatively the authorities and the civil society in confusing asylum seekers and immigrants. However, relevant structural changes in the Administrative Procedure Law that entered into force in 1st January 2004 had a major impact on asylum law, namely on the appeals procedure to administrative courts.

In 2004, 84 asylum applications were lodged in Portugal, None unaccompanied children presented asylum requests. The refugee status recognition rate was 2%.

Slovakia: One of the commitments of the Slovak Republic, which the state accepted with accession to the European Union, was of the harmonization of its legal order with the law of the European Union in the area of the asylum procedure.

The Slovak Republic has fulfilled its commitments by adopting the amendment of the law on asylum. Doing that, it has harmonized its legal order in the domain of asylum with the directive of the Council 2003/9/ES of January 27th 2003 which is to enact minimum standards for reception of asylum seekers. Slovakia has concurrently updated some of the provisions – according to practical experience – to make the asylum procedure more effective.

The Slovak Republic is further in the process of transposition of EU asylum legislation and UNHCR

assists the government in the process and monitors it.

Two important changes have been made concerning separated children, one on guardianship, *see section on guardianship*, and the other on age assessment, *see section on age assessment*.

The number of asylum seekers this year dropped by about a quarter in comparison with last year. Expectations that Slovakia, as an EU member, will become more open to illegal migrants did not materialize.

Although the number of asylum seekers has significantly dropped since the beginning of the year, the Migration Office has granted refugee status in eight cases.

In 2004, only 15 of the almost 11,400 applicants were granted the asylum status. That is one of the reasons why Slovakia attracted criticism over its asylum policy from the Office of the UN High Commissioner for Refugees.

(Extract from TA3 TV, Bratislava,/BBC Monitoring Service April 12 2005)

Slovenia: At the beginning of 2004 Slovenia prepared a national action plan regarding treatment of children in Slovenia, including separated children. The new law on temporary protection is being drafted.

Spain: The Instruction 3/2003 from the Director of Public Prosecutors that considered foreign minors over 16 “emancipated” and therefore left these children in a vulnerable situation due to the lack of assistance and documentation, has been finally derogated.

The new Alien’s Law Implementation Regulation, recently approved, will have a very negative impact on the possibilities of durable solutions for separated children. Under this regulation, residence permits will not be renewed after turning 18. Many children under the protection of the Government and therefore in a regular situation, could be considered “illegal” without permission to work.

On 26 November 2004, the new Spanish Fiscal General del Estado (general state prosecutor,) issued order 6/2004, instructing fiscales (prosecutors) "on the legal treatment of unaccompanied migrant minors", which leaves a previous order (3/2003) issued by his predecessor without effect. The new guidelines for fiscales include the presumption that any migrant who is

under 18 is a minor and that unless there is conclusive, documented evidence that a minor is independent, s/he is to be treated as a minor.

Migrant minors identified by members of the national police or Guardia Civil, in cases where they have not committed a criminal offence, must not be sanctioned "for any of the reasons envisaged in the ley de extranjería" (the Spanish immigration law), particularly those which may lead to expulsion or internment, and once their under-age status has been ascertained, they must be provided with all the means for their protection and care that minors, regardless of their nationality, enjoy under Spanish law.

Thus, Fiscales Jefes are to issue orders to ensure that services for the protection of minors take charge of minors, or people believed to be minors, within the shortest possible delay.

The order states that authorities must attempt to carry out the repatriation of minors, aimed at returning them to their family, but this repatriation is not to be considered "an absolute objective to be pursued by any means", but rather, it must not contravene any of the fundamental rights of children, including their rights to life, or to physical or psychological integrity.

In certain cases, these considerations may result in a decision in favour of the child remaining in Spain. Finally, the special screening procedure introduced by Cardenal in 2003 with regards to possible appeals against repatriation orders filed by fiscales (see above) is done away with; the appeals will follow normal procedures and norms, and the order explicitly states that fiscales have the competence to appeal expulsion decisions.

Switzerland: Asylum seekers who received a final decision dismissing their application are no longer granted welfare benefits since 1st April 2004 – this is one of the new economic measures introduced by the Swiss Federal Government. These asylum seekers are only granted minimal emergency assistance, as guaranteed by the Federal Constitution if they apply for it in the cantons in charge of the organization of their expulsion.

During the first six months from 1st April to 30th September 2004, a total of nearly 3000 asylum seekers received a final decision dismissing their application. Out of these 3000, 131 asylum seeking separated children were confronted with such a decision (the Federal Office for Migration's main argument being that the minors considered cannot prove that they are minors). 49 out of these 131

applied for emergency assistance in the cantons, the whereabouts of the others is unknown.

The Federal Office for Migration is now – not less than nine months after introducing this new practice – examining the future organization of emergency assistance for separated children in order to ascertain the compatibility of this practice with the UN Convention on the Rights of the Child.

Further restrictions of the Swiss asylum policy will be discussed in Parliament very soon. The Federal Government would like for example to extend the exclusion of welfare benefits not only to asylum seekers who received a final decision dismissing their application but also to asylum seekers who received a negative asylum decision. This would mean that 15000 persons would be excluded from the welfare assistance system in the Swiss asylum sector and would only grant minimal emergency assistance. The cities would especially suffer from such a new asylum law, as most of these rejected persons would try to find their way in urban areas.

UK: The Labour Government announced its Five Year Strategy for asylum and immigration: "Controlling our borders: Making migration work for Britain", February 2005.

Section 9 of the Asylum and Immigration Act 2004 (Treatment of Claimants, etc.), which allows for the termination of support for families who have exhausted their asylum application, came into effect on 1 December 2004. The Government will be enforcing this from the end of January 2005 in three pilot Local Authorities and have identified 120 families to begin the process.

Barnardos UK are planning a large piece of research on the implementation and impact of the Government pilots to comply with Section 9 of the Asylum and Immigration Act 2004 (Treatment of Claimants, etc.). They will be following a number of affected families to assess their experience of the process. This is to be published imminently to coincide with the Government rolling implementation out to all Local Authorities.

In January 2005 the UK Home Office's Immigration & Nationality Directorate (IND) announced plans to create an internal children's taskforce to ensure safeguards for all children - UASC, asylum or non-asylum).

The IND also published an evaluation report of the interview pilot for unaccompanied asylum seeking children, which was conducted from October to December 2003. Plans are now being developed to undertake a further pilot.

On 2 March, Professor Al Aynsley-Green was appointed as the first Children's Commissioner for England.

Detention

Austria: The Ministry of Interior has published a proposal for a new Asylum and Alien Police act on 7th of March. The time to comment on it will end on 14th of April.

The proposal implies some very significant changes to the current legislation. Most of these will negatively affect separated children: The changes would allow to hold minor asylum seekers and other minors more frequently in pre-deportation and will expand detention to an indefinite period of time.

Czech Republic: The draft amendment from 2004 to the Law No. 326/1999 Coll. on the Residence of Aliens on the Territory of the Czech Republic ("the Aliens Act") is relevant for separated children.

Although the amendment did not propose the complete prohibition of placing of separated children between the age 15 and 18 in detention facilities located throughout the country, the Ministry of Interior proposed to shorten administrative detention of separated children of the said age group from 180 days to 60 days.

In effort to improve the living conditions in administrative detention centres and to strengthen the legal safeguards of detainees, it proposes the transfer of competency in operating all administrative detention centres in the Czech Republic from the Police to the Ministry of Interior represented by the Refugee Facilities Administration (RFA) as of 1st January 2006.

This draft amendment is being discussed in the Cabinet as of this writing.

With the financial support of UNHCR, the Counselling Centre for Refugees is realising a project of legal and social counselling to minors placed in detention centres and two new centres that are run by the Ministry of Education.

One activity of this project was building of a national platform of all relevant actors (governmental/non-governmental) involved in the

issue of separated children in the Czech Republic. There are monthly meetings attended by the Ministry of Education, Ministry of Labour and Social Affairs, Ministry of Interior, Ministry of Justice, The Headquarters of the Foreign and Frontier Police of The Police Presidium of the Czech Republic, Board of Socio-Legal Protection of the Child of the Municipal Offices, IOM, UNHCR, Counselling Centre for Refugees and other relevant governmental and non-governmental organisations, where practical problems are solved and changes of the current legislation are designed.

With the support of US Embassy Seed Program in the Czech Republic, the Organisation for Helping Refugees, OPU, began a project on monitoring the situation of separated children in detention centres since October 2004. Under the project, OPU has organised recreational activities targeting separated children.

With the support of UNHCR, PPU implemented a pilot project of monitoring separated children in detention facilities as well as in a newly created diagnostic centre and a foster home for separated children since August 2004. The project is ongoing in 2005 providing necessary legal and social counselling to separated children.

Greece: The Deputy Ombudsman for Children's Rights is increasingly involved in the matter of separated children arriving in Greece and coming from refugee producing countries. Recently he visited the eastern Aegean island of Lesbos where young Afghans primarily are being detained. A report on his visit is expected.

Poland: Children arriving to Poland with families are included in the asylum applications of parents (authorities estimate that around 40 percent of asylum seekers are children). Despite provisions enabling pre-screening detention of asylum seekers who arrived to the country in irregular manner, Polish authorities try to avoid detention of families and children. Generally, children are therefore not detained on entry.

However, NGOs monitoring arrest for purpose of deportation report that separated children are occasionally placed in detention.

UK: Save the Children England Programme has received substantial political attention and media coverage for its recent research and advocacy work on the detention of child asylum seekers in the UK

and the return of unaccompanied children to third countries.

A new Save the Children report, “No Place for a Child”, authored by Heaven Crawley, shows that despite government assurances that children are detained only as a last resort, up to 2000 children a year are detained with their families for the purpose of immigration control. Some of these children are detained before their applications have been considered.

The report also claims that substantial numbers of unaccompanied children are detained, owing to age disputes. It cites one study by Cambridgeshire social services which found that in almost half of age dispute cases that it investigated, the detainee was found to be under-18.

A number of concrete advocacy activities have been planned to follow up on this research and Save the Children awaits a full and detailed response from the Government, as promised.

Age Assessment

Bulgaria: The Bulgarian Helsinki Committee’s comments, here in extract, on the draft Amendments of the Law were taken into consideration in the final version of the Amendments regarding ‘Reasonable doubts that an Asylum Seeker is not minor as he claims during his/her registration, his/her procedure starts after an age assessment’:

Art.71, Para.2 (new) In this wording the text creates the doubt that there will be action undertaken out of the scope of the RSD procedure. In order to avoid it the wording could be as follows:

71.(2). If in the process of registration of the asylum application well-grounded doubts arises that the foreigner is not minor or under aged as s/he stated, the interviewing organ must appoint an expertise for age assessment. In this case the running of the deadline/3 days/ under Art.70, Para 1 suspends.

71.(3). When the expertise established that the foreigner is minor or under aged or that the age cannot be assessed beyond the reasonable doubt, the interviewing organ must make a decision to refer the case to a general RSD procedure.

71.(4). If and when the expertise established that the foreigner is an adult, the suspended Art.70, Para 1 deadline starts to run.

Germany: In order to establish common standards for age assessment in Germany, information on the

very different practices of age assessments applied in the individual federal states of Germany was compiled by the Federal Association for Unaccompanied Minor Refugees.

A survey collected expert opinions of specialist physicians and psychologists regarding special methods of age assessment (tooth eruption, bone age determination, sexual maturation etc.) and the perception of age assessment by different ministries of the federal states.

Slovakia: A change in the amendment No 1/2005 of the Law No 480/2002 on the Asylum deals with age assessment, namely the possibility of the ministry to have a minor asylum seeker’s age examined by a doctor in case of doubt of his/her age. Consequences of refusing such an examination are concurrently expressed, so that the misuse of the institution for separated children could be eliminated.

Guardianship

Bulgaria: A case, indicative for the trends in policy, refers to the efforts of authorities to find a solution of the issue of guardianship and sets a good example of the good co-ordination between the Institutions and the NGO’s.

It is related to three Kurdish refugees from Syria, a 21 year old man, his 18 year old sister and a sister at aged 12. They have been granted Humanitarian status in Bulgaria. According to the Bulgarian law on Asylum and Refugees the girl is not separated as she is with her adult brother and sister. Nevertheless the brother and the sister cannot be representatives of the child according to the law. In this case the State Agency for Refugees addressed the Council of the Refugee Women asking them to nominate 5-6 Kurds to become guardians for the girl. The goal is to found a Council of Guardians.

This is the first case in Bulgaria when a concrete action is taken to found a Council of Guardians, as it is stipulated in the legislation

The Bulgarian Helsinki Committee’s comments, here in extract, on the draft Amendments of the Law regarding ‘Unaccompanied minors seeking Asylum are represented by the Social Assistance Directorate at the State Agency of Child’s Protection /Law on the Protection of the Child/ during the RSDP, if there is no Guardian appointed for them’:

Art.25, Para.2 The text is accepted without objections. The amendment takes into account the relevant amendments in the Law on Child Protection and the Law on Social Assistance ... concerning the type and title of the public orphanages for accommodation of children out of their family.

Art.25, Para.5 (new) Pursuant Art.109 of the family Code the guardianship is constituted in cases of minor (prior to 14 years of age) and under aged (prior to 18 years of age) whose parents are unknown, deceased, banned from legal or parental rights.

The proposed Art.25, Para 5 of LAR statutes a new substitute of the legal guardian for the separated asylum seeking children, appointed by the relevant Directorate for Social assistance on the basis of Art.15, Para 7 of the Law on Child Protection. This replacement is in a breach of the already established legal standards and relevant Bulgarian legislation. In this manner the protection provided by the Family Code that is applicable to all children disrespectfully of their nationality or origin is not only narrowed and restricted, but worse the restriction concerns a vulnerable category of individuals in need of protection.

Thus, the State agency for refugees strips itself from any responsibility or obligation to make efforts for finding and appointing legal guardians to separated asylum seeking children during the RSD procedure in violation of the Family Code as far as it will be able to conduct the procedure although in a suspiciously legal manner. Bringing down the standards in the field of child protection cannot be justified on the single basis of the complexity of the problem or the obstacles in finding practical solutions. The function of the guardian is not limited to the technical formalities of the procedure or the representation during it.

The latest practice indicates that the problem with finding guardians is not insoluble. Finally, even the current legislation in Art.114 of the Family Code regulates the right of the competent municipal body to undertake interim measures and authorize any individual to perform temporary guardianship functions when transient obstacles to appoint a permanent guardian have occurred.

Lastly, Art.15, Para 7 of the Law on Child Protection envisages that the Directorate for Social Assistance may represent a child in cases, regulated by the law. That is to prove that the Directorate has only the right, but not the obligation to interfere on

behalf of a child in need of protection. If and when the Directorate refuses to interfere the separated asylum-seeking child would be left without any representation what cannot be accepted in any manner whatsoever.

Croatia: The Centre for Social Policy Initiatives (CSPI) and UNHCR initiated development of the coordination body for protection of separated children foreign nationals in Croatia, an initiative that was supported by the Ministry of Health and Social Welfare. The aim of the National Task Force is to advocate for the rights of separated children in Croatia. It has proved to be a good forum for information sharing, identification of issues that deserve further attention and proposing the course of action.

In 2004 the Task Force discussed the issue of guardianship and it was agreed to propose to the Ministry of Health and Social Welfare to identify suitable persons outside the Centres for Social Welfare interested in taking guardianship duties. (At present, most of the guardians for separated children are social welfare officers who would require additional time and knowledge to deal with this specific group).

In order to ensure a more effective protection of separated children, particularly asylum seekers, UNHCR proposed the development of the project "Support to Guardianship System for Separated children, Foreign Nationals, Including Asylum Seekers in Croatia", to be implemented by the Centre for Social Policy Initiatives in 2005. The project aims at supporting appointments out-of-institution collaborators of local social services as guardians, and training them on the specific issues related to separated children including asylum seekers.

Germany: To encourage more private guardians and support the foundation of guardianship associations, a handbook on best practices of private guardianship with reference to the SCEP Statement of Good Practice has been prepared by the Federal Association for Unaccompanied Minor Refugees and will be published in spring 2005.

Norway: The Directorate of Immigration has recently started a campaign to systematically locate the parents or legal guardians of separated children seeking asylum in Norway. The goal is that reunion with the parents outside of Norway should be as natural as resettlement in Norway if this is in the best interest of the child.

The Norwegian Ministry of Justice and the Police have issued a proposal for a new law regarding provisional guardians for separated children seeking asylum. The proposal draws on the Danish concept of a person acting as a representative to the child. Save the Children Norway (SCN) believes that this new proposal will strengthen the situation for separated children seeking asylum in Norway compared to the situation today.

SCN made a submission to the proposal last month. One of the better aspects of this proposal is the possibility to make representation as a profession. This will imply that the representative will be much better equipped than the provisional guardians today assisting the child in the asylum process. Beside the fact that representatives are made professionals, SCN see other positive changes with this new law:

- The representative will assist the child during all the steps of the asylum process. This also includes the asylum registration done by the police which the provisional guardians today do not attend.
- The Government will pay for a translator making meaningful communication between the child and the representative possible.
- The representative is required to have insight into Norwegian Immigration Law and public government.

The Norwegian Red Cross shall develop a system of refugee guides for separated children seeking asylum. This campaign is sponsored by The Directorate of Immigration. The refugee guides functions as a social support for the children after they are resettled in a municipality and shall contribute to the child's local network.

Poland: New provisions granted Separated children the right to a legal guardian appointed by the family court for refugee status determination (RSD) procedure matters, as well as custodian, a person carrying for best interest of the child. Duties of custodian include supervision of accommodation conditions, arranging activities during free time, and providing assistance in contacting national and international NGOs in tracing of family members. The custodian should have qualifications of a social worker, as determined in the 1990 Law on social assistance. The custodian is appointed by the President of the Office for Repatriation and Aliens from among officials of the Office, for duration of the RSD procedure.

Slovakia: A change in the amendment No 1/2005 of the Law No 480/2002 on the Asylum deals with guardianship of the separated children. If such an alien is found on the territory of the Slovak Republic, a guardian for him/her shall be named by the court (usually the Labor Office, Social and Family Affairs). This appointed guardian shall weigh which of the following is in the best interest of a separated child: family reunification, voluntary return to country of origin, entry into asylum procedure or another form of residency in the territory of the Slovak Republic.

According to the previous legal norms of the asylum law, in the cases of minors, except for a guardian determined by court, the Ministry of Interior was obliged to determine a guardian for the asylum procedure (procedural guardian). Today, the legal institution of a procedural and a 'stay' guardian is unified into one common, general legal institution of guardianship.

On the other hand, in the asylum procedure in case that the residence of an asylum seeker is not known, there is no guardian determined according to a general law on administrative procedure. This is new in the asylum legislation.

The Slovak Humanitarian Council provides legal counselling special focused on separated children and it cooperates with the Labour Office and UNHCR.

Slovenia: There is a need for additional mechanisms for managing separated children issues in Slovenia. One possibility is the change of current legislation related to the separated children guardianship. The state gives possibility to guardians not to participate solely in asylum procedures but also to play a greater role in psycho-social assistance.

Slovene Philanthropy has also prepared the leaflet for promotion of project of separated children guardianship with the aim to obtain new guardians.

Reception

Austria: The European Commission against Racism and Intolerance published its June 2004 third report on Austria: It voiced concern over the negative climate towards asylum-seekers and specifically encouraged the authorities to continue to provide special accommodation for separated children and not to accommodate them in initial reception centres.

http://www.coe.int/t/E/human_rights/ecri/

Croatia: The establishment of the State Reception Centre for asylum seekers was further delayed until the end of 2005. There is a strong disapproval of the local community, and none of the actions taken by Ministry of Interior to create positive climate towards the reception centre and asylum seekers has so far been successful.

On 1 July 2004, the Ministry of Interior (pending the opening of the State Reception Centre) took over responsibility for the operation and funding of a temporary Reception Centre for asylum seekers, which was, from January 2003 – till July 2004, managed by the Croatian Red Cross under UNHCR sub-agreement. UNHCR continued to fund community activities at the Centre through the Croatian Red Cross programmes of psychosocial counselling and community services for vulnerable groups such as women, single women with children, separated children and the elderly. While separated child asylum seekers are now accommodated at this temporary Reception Centre, the problem with accommodation of other separated children remains to be resolved. They are presently accommodated in the Institution for Children with Behavioural Disorder where no special programs are offered to them, and the accommodation itself is not appropriate.

Czech Republic: The amendment to the Aliens Act prescribes the right of separated children seeking asylum to be placed in a special school/education institution after completion of an entry procedure in a reception asylum facility. It also outlines the obligation of staff of asylum facilities to pay special attention to vulnerable persons with special needs. The amendment entered into force on February 4th 2005.

Two new Centres for separated children, for both asylum seekers and non asylum seekers, opened in June 2004 in the Czech Republic. Both Centres are run by the Ministry of Education. One centre is in Prague and is proposed as a diagnostic centre. Most children who were placed in detention centres or separated children who were found on the territory of the Czech Republic are placed there. The maximum stay in this centre is 2 months.

Psychological and social counselling is offered in the centre. Children go to school every day, where the special emphasis is given to the Czech language. NGO workers are allowed to provide regular legal and social counselling in this centre.

The other centre is located about 70 km from Prague. Czech language courses are offered here and children go to school (selection of the school depends on the level of their knowledge of the Czech language, their age and other knowledge). Vocational school is at the centre. Psychological and social counselling and leisure time activities are provided in the centre, and NGO workers are allowed to come to the Centre.

Training for the staff of the new centres for minors established by the Ministry of Education covered a variety of topics including: legal status, asylum procedure, specific needs of separated children, specific types of violations and trafficking in human beings and was organized by the Counselling Centre for Refugees.

Germany: To improve the accommodation and care of separated children a handbook on best practices with regard to clearing procedures for separated children was prepared and published by the Federal Association for Unaccompanied Minor Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V.). The establishment of clearing houses for all separated children and an age-appropriate accommodation of separated children between 16 and 18 was a central demand at various meetings with policy makers. As a result the Federal government incorporated the effort to implement a nationwide clearing procedure in the UNGASS National Action Plan (NAP) "A world fit for children".

The government of North Rhine-Westphalia has implemented a legal obligation to attend school (compulsory attendance) for asylum seeking children and those minors whose asylum application was rejected as long as they have not been returned to their home countries.

In Berlin a decree of the Ministry of the Interior was enacted in September 2004 which rules that asylum seeking adolescents and those who have a toleration permit and are not able to return to their home country have access to universities.

Norway: The Directorate of Immigration shall in the first half of 2005 propose a method for individual supervision of separated children seeking asylum. The Directorate wishes to involve child welfare authorities in developing methods and material to better supervise the children living in reception centres.

Save the Children Norway's submission to the Directorate of Immigration on Individual Plan for separated asylum seeking children (in abstract):

"Save the Children Norway (SCN) is of the general opinion that the Directorate of Immigration (DOI) with the draft of an individual plan has produced a good tool to survey and make an action plan for separated asylum seeking children. As SCN understands it, the main objective with the new template for individual plan is to provide good care for the children while they live in asylum centres.

SCN finds it positive that DOI has initiated a new individual plan to improve the situation for separated asylum seeking children. However, SCN wishes to emphasise that it still must be an objective that the children's residence period in asylum centres must be as short as possible.

For a long time, SCN's main objective for separated asylum seeking children is that the care responsibility for them should be under another instance than DOI. SCN finds it difficult that DOI both provides care for these children and is the decision-maker for their asylum cases. This can lead to a conflict between exercising care and control. Again, SCN emphasises our worry that the placing of care responsibility at DOI is not warranted by law and therefore lacks a rooting in basic legal protection.

SCN has earlier criticised Norwegian authorities because the whole system around separated children violates basic principles in the United Nations Convention on the Rights of the Child (CRC), particularly the principle of non-discrimination because separated children are placed in another care giving-system with far lower standards than the child welfare responsible for Norwegian children who do not live with their parents. The system for the separated children does not attend to individual assessment of the best interest of the child. Such an assessment could start actions for the child with best interest as main objective. Furthermore, the CRC principle of children's participation has in low degree been secured for separated children.

The new draft from DOI seems to be an improvement and strengthening of the principals for separated asylum seeking children and their care-situation. Still, SCN finds that the care system for these children should be revised."

Poland: Identification of separated children seeking asylum is imperfect. If separated children ask for asylum on entry they are directed by Border Guards to the Reception Center. Hundreds of separated children (detailed data not available) entering

Poland do not receive adequate assistance necessary to determine their status and protection needs – even when they do note those needs clearly to Border Guards.

Every year, over 200 children are directed by Border Guards or Police to Emergency Wards, mainly after illegally crossing the border or being stopped with no appropriate documents. More than 80 percent of children escape from those facilities, without discussing their protection needs with staff.

The Wards facilities, designed as accommodation facilities for children in crisis situations, also host children involved in criminal activities or who have drug problems. They are not adequately prepared to deal with foreign children.

Despite UNHCR's efforts to improve the exchange of information between the Wards and NGOs working with refugees, this exchange is unsatisfactory. The staff lacks language skills and understanding of the children's protection needs. Only few unaccompanied children brought to the Ward actually asked for asylum. The current practice of allowing children to leave the Wards with persons claiming to be family members calls for detailed research – as the identity of adults collecting children and their relation are not checked sufficiently.

In 2004, around 100 alien children were accommodated in Emergency Wards throughout the country. 51 of them were placed in the main Emergency Ward in Warsaw, accommodating mainly boys, and 23 in the Emergency Ward for Girls in Warsaw. By comparison, in 2003 the main Ward housed 86 alien children. Main countries of origin of the children were Romania, Russian Federation, Vietnam, India, Pakistan, Afghanistan, China and Mongolia.

To improve the situation, UNHCR provided Emergency Wards with refugee-related literature and encouraged contacts with IP. In line with the recommendations of the Agenda for Protection, UNHCR started to prepare a leaflet for separated children on their rights in Poland (to be completed in 2005), to support children in making informed decisions.

Since January 2004, to implement new legal provisions, Polish authorities signed an agreement with provincial social services on accommodation of separated children seeking asylum. A children home was selected to accommodate up to 10 children for duration of asylum procedure. Living conditions and quality of care provided to separated children improved. The solution is however still

imperfect: number of separated children seeking asylum exceeded the number of available places at the children's home, the staff of the children's home was not given adequate training, no solutions were found for children who complete asylum procedure. The children's home struggles with questions on legalization of children, who are rejected as refugees, but cannot be deported or with funding for accommodation for those recognized or offered complementary forms of protection.

According to the Office for Repatriation and Aliens, less than 10 percent of children accommodated in reception centres attended public schools. Only a limited number benefited from Polish language lessons provided at the centres.

There are numerous factors limiting access of asylum seeking children to education. Most of them require long-term efforts to change:

- Reluctance of schools; many schools refuse to accept alien children, because they see them as a burden for which the schools are not prepared.
- Limited motivation of parents, many asylum seekers do not plan to stay in Poland and wish to travel on to 'old EU'.
- Some centres are located in areas, where access to school is difficult. Transport of children to school is not provided.
- Limited possibility for the children to learn Polish language, a pre-requisite to access Polish educational system. The authorities declare changes in the current system of providing language lessons that would provide better quality service to children in 2005.

Portugal: According to Article 49 of Asylum Law 15/98, the Portuguese State shall guarantee conditions of human dignity to asylum applicants until a final decision on their application is issued. In practice, social support from Portuguese authorities is provided only in the case of the asylum applicant being granted a residence permit. As a consequence, the Portuguese Refugee Council is called to ensure social support to all asylum seekers in a situation of economic need during the admissibility stage. If the asylum claim is admitted, Santa Casa da Misericórdia de Lisboa also provides social support to asylum seekers considered to be vulnerable cases, such as one parent families, single women, minors and the elderly.

Slovakia: The Slovak Humanitarian Council has provided comments on parts of the draft law on

social-legal protection of the minors, which concern separated children. The draft law should have entered into force on February 1st – together with the new law on family – but due to the strong lobby of NGOs the law is still in the Parliament. The law deals with the complex issue of protection of children in general (thus the issue of children is concentrated into one national law for the first time). The law will establish a new institution of clearing houses for separated children. The legislation lays down the framework under which specialized centres for separated children can be established by the state institutions or by NGOs.

A new centre is being built by Ministry of Labour, social and family affairs in the Western part of Slovakia, Horne Orechove, which will function as a clearing house for separated children. The capacity will be only 16 beds in the first phase and the facility will accept only male separated children. In the final phase the overall capacity of the facility will be 30 beds, 8 for girls and 22 for boys.

A clearinghouse in Celovce in the Eastern part of Slovakia is being built by a NGO, funded by the Ministry of Labour. The operation of the facility is going to start in the middle of 2005; the overall capacity is going to be 30 beds to start with and 60 beds in the future.

UNHCR considers this as a step forward in assuring interim care and protection to separated children. Through an inter-ministerial committee established by the MLSAF State Secretary, UNHCR disseminates the Statement of Good Practice with the aim this is adopted in care and protection of separated children.

Once the clearinghouses for separated children are functioning it is expected that better monitoring and protection of separated children against disappearance will be provided and that durable solutions will be found for separated children. It is also expected that fewer separated children will enter the asylum procedure.

Slovak Humanitarian Council is implementing the project 'Rights Protection of UM within Asylum procedure in Slovak Republic', funded by the European Refugee Fund, to set up a system of systematic care of separated children within the asylum procedure.

Taking into account the efforts to make integration more effective, Slovak language is taught regularly in all asylum centres. There is a new obligation for persons granted refugee status to attend basic Slovak Language lessons during their stay in the integration centre.

Asylum seekers have mostly been interested in the provision of the amendment that allows them access to the labour market under the condition that there is no lawful decision in their case after one year from the start of the procedure. It is not so if a request for asylum was refused as inadmissible or manifestly unfounded.

The fact that asylum seekers are allowed to work can strongly influence and stimulate them in the area of responsibility and motivation. On the other hand, the Migration Office is entitled to ask them to share expenses their care as asylum seekers.

There has also been a significant change in the pocket money that is paid monthly to asylum seekers. An asylum seeker is not entitled to receive pocket money if he tried to enter another state illegally or if he left the territory of Slovakia voluntarily and was returned back by the authorities of the neighbouring countries.

The third situation of not paying pocket money is in case of repeated request for asylum if the previous asylum procedure was stopped on the following grounds:

- an asylum seeker had withdrawn his/her request for asylum,
- an asylum seeker had stayed out of the asylum facility for more than seven days without a permission to leave the facility,
- an asylum seeker had left the territory of Slovakia voluntarily,
- there had been a valid decision in the asylum procedure that the request had been rejected as unfounded and the state of facts had not been changed significantly,
- an asylum seeker did not present himself/herself at the asylum facility within three days since his/her request for asylum had been submitted.

The Slovak Humanitarian Council would like to change the amendment, which states that pocket money is to be denied to person who have been returned because of the Dublin Regulation.

Sweden: Save the Children Sweden has for a long time proposed that the responsibility for reception centres for separated children should be handed

over from the Board of Migration to the municipalities. The same issue has been brought up at the UN Committee on the Rights of the Child regarding the principle of discrimination.

A proposal from the Foreign Ministry on the issue of reception of separated children has been commented by Save the Children Sweden.

Switzerland: The Federal Office for Migration (former Federal Office for Refugees) completed an overview on different practices in several cantons concerning reception of asylum seeking separated children. The objective of this report was to develop minimal standards to be recommended to the cantons responsible for social welfare. The Statement of Good Practice of SCEP was consulted and mentioned several times in the report and the recommendations made are very positive. Unfortunately, the report also shows the huge differences between practices in the different cantons. For example, whereas Geneva and Zurich have already progressed very well, other cantons are still far behind and do not seem to care to improve their practices. Decisions regarding this overview have not been made yet.

UK: The EU Council Directive laying down minimum standards for the reception of asylum seekers came into force in February 2005. The Home Office believes that its responsibilities toward separated children arriving in the UK are met through the statutory provision of social services departments and through the provision of the Refugee Council Children's Panel.

Missing Children

Bulgaria: Statistics on officially cancelled asylum procedure could be recognized as an indicator for the number of disappearances during the asylum procedure in default of exact figures.

Czech Republic: There are quite good statistics available about disappearance of minors because all of them are placed in special Centres run by the Ministry of School Education of the Czech Republic.

2004: Total 28

Nationality	Male	Female	Age			
			14	15	16	17
China		9			2	7
China	10			1	3	6
India	2					2
Ukraine	1					1
Vietnam	6		2		2	2

Denmark: According to figures from the Danish Red Cross, 88 separated asylum seeking children disappeared in 2004 (the numbers of arrivals and disappearances do not necessarily cover the same children as some children might have arrived in 2003 and disappeared in 2004). This number only includes disappearances where the authorities/Red Cross cannot account for the children's whereabouts and not children who have left, but where the Danish Red Cross has been informed. It still remains possible that Danish Red Cross will hear about some of the children's whereabouts - either from the children themselves, from their relatives or from the operators of asylum centres in other countries.

In addition to the number of disappearances of separated children, there are also children who disappear from asylum centres together with their families.

Finland: 12 separated asylum seeking children have disappeared in 2004.

Slovakia: There was not a system for systematic care of separated children in Slovakia until the end of 2004, thus there are no exact numbers of disappeared children. Slovak Humanitarian Council has only knowledge of three cases who stayed in the asylum procedure until December 2004. It means that they stood here longer than in most cases of separated children. The others are supposed to have disappeared according to SHC knowledge.

UNHCR monitors the situation of separated children in the asylum procedure through its implementing partners and through the Migration Office of the Ministry of Interior of the Slovak Republic. The official statistics related to separated children have been maintained by the Migration Office since early 2004, Ministry of Labour, Social Affairs and Family (MLSAF) does not maintain regular statistics on separated children who are not in the asylum procedure.

From the official data of the Migration Office, all separated children disappeared. The data on

disappearances are however not maintained. MLSAF also states that the majority of separated children in their care disappeared, but no official record has been produced.

Slovenia: 173 minors disappeared from Asylum home. In most cases these were boys from Albania that wanted to join their relatives in other European countries.

Sweden: Save the Children Sweden has been interviewed by the media regarding the disappearance of separated Chinese children (28 since January 2005) from reception centres, after a short while in Sweden. Nobody knows what happens to them.

Procedures and Recognition

Austria: According to the Ministry of Interior's proposal for a new Asylum and Alien Police act, published on 7th of March, it will be more difficult for separated children to access an in-merit asylum procedure in Austria. In some cases it will not even be possible to get an interview with the authority responsible for asylum. Numerous other proposals will limit the legal protection of asylum-seekers including separated children seeking asylum. On the positive side, the currently unclear legal representation of separated children in the asylum procedure will be clarified.

A very critical point proposed in the draft Asylum and Alien Police act is, that a minor is supposed to be already capable of acting without any legal support at the age of 14 years (currently the age limit is 16 years). The NGO working group "Menschenrechte für Kinderflüchtlinge" will comment on these proposals but does not expect that this will influence the results.

Croatia: Asylum seekers are not entitled to free legal assistance. Therefore, the Croatian Law Centre, UNHCR's implementing NGO partner, provides legal counselling and legal representation before the Ministry of Interior and the Commission in the asylum procedure. Guardians are still appointed by the Centres for Social Welfare to all separated children, but legal advising on the asylum procedure and assistance during the procedure is provided by the Croatian Law Centre.

Denmark: There has been a significant decline in the number of separated children who are granted

asylum or obtain permission to remain in Denmark (which is not proportional with the decline in the number of separated children applying for asylum). The official response from The Danish Immigration Service and from the Danish Government is that the drop does not reflect a change in law or policies.

Finland:

2004:

Minor asylum seekers	139
Eurodac-hits	41
Decisions	55
of which Dublin	32
Disappeared	12

Decisions to minors 2004:

Asylum	1
Protection grounds	13
Humanitarian reasons	5
Other	1
Returned in EU (Dublin case)	24
Negative decision	4
Process cancelled (Dublin)	5
Decisions total:	55

Poland: The Aliens Protection Law contains specific provisions for the conduct of the refugee status determination procedure concerning separated children. The status interview may be recorded using a video or audio device, and must be conducted

- taking into consideration the applicant’s age, maturity and intellectual development, as well as having in mind that s/he may have limited knowledge of the real situation prevailing in the country of his/her origin;
- after providing him/her with information on factual and legal circumstances which may have impact on the outcome of the proceedings;
- after informing him/her of the right to demand the presence of a person indicated by him/her;
- in a language which s/he understands and, if necessary, with the participation of an interpreter;
- in the presence of the guardian, the custodian, an adult indicated by the minor, if it does not make difficulties to the proceedings, and a psychologist or pedagogue who prepares an opinion on the psychophysical condition of the minor.

Since January 2004, under agreement of the Office for Repatriation and Aliens with the Nobody’s Children Foundation, the status interviews of separated children are conducted in the premises of

the Foundation, at the presence of the Foundation’s psychologist.

During 2004, 169 separated children applied for asylum. Only 38 were interviewed at the Foundation. In 2003, the number of separated children seeking asylum was 146, in 2002 the number was 161

Slovakia: The amendment of the Asylum Law has introduced a new notion of an asylum seeker. An asylum seeker may be used to denote an alien who has applied for refugee status at the unit of the Police Force as well as a person who is granted such status by the asylum law.

The Dublin Regulation adopted by the Member States of EU is reflected by the amendment. According to it, results of an asylum procedure in one country are effective in another Member State as well. They are entitled to return an asylum seeker to the country where he applied for asylum first (within European Union). The asylum seeker returned by a Member State to the territory of Slovakia on the ground that Slovakia is in charge to provide asylum procedure, is taken as an asylum seeker also in the case where former procedure was stopped. In such a case, the alien is not obliged to apply for asylum again.

The amendment sets the period of time within which an asylum seeker has to be familiarized with his/her rights and duties in the asylum procedure. The familiarization shall be carried out by an authorized employee of the Ministry of Interior before fulfillment of the questionnaire, at the latest up to 15 days since the beginning of the procedure. The asylum seeker shall be informed by an authorized employee of the ministry about the possibility of representation in the procedure and of the access to the legal aid according to the asylum law. The Ministry concurrently provides information about the non-governmental organizations which engage in care of asylum seekers and recognised refugees. The instructions and information are provided in writing and, according to possibilities, in a language which is supposed to be understood by the asylum seeker.

The entitlement of consulting the file(s) of the asylum procedure in a particular case is also set in a new way. In the previous law the entitlement was conditioned by a preceding approval of the procedure participant. This condition was not to be

applied for his/her representative or the guardian of the participant, neither for an authorized representative of The Office of High Commissioner. According to the present law in force, only a procedure participant, his/her representative or the guardian is entitled to consult the particular file, under the condition that the law of asylum does not enact otherwise.

The issue of identification card for asylum seekers is regulated more detailed. Data on the card are specified in more detail; name and surname, sex, date and place of birth, date of issue and of expiry of the card, name of the centre that issued the card and also names, surnames, and dates of births of children of the asylum seeker up to 15 years in case they are asylum seekers themselves.

Concurrently, cases of invalidity of the card are determined (e.g. if it is destroyed, lost or stolen). Moreover, a general obligation to hand in a found card to a member of Police force is introduced.

To accelerate asylum procedures, the amendment provides a possibility not to carry out an interview, in case the information obtained from an entry examination, a questionnaire, is sufficient for a decision to be made.

Slovenia: Refugee status was recognised to 3 minors (2 in year 2004, country of origin: Iran, Cameroon, 1 in year 2005, country of origin: Afghanistan).

Slovakia: The provision setting a period of time within which an asylum seeker cannot lodge a new application if his/her application for an asylum was refused, was not adopted. Despite that, there is a new possibility to stop such a procedure – in cases so-to-say *res iudicata*, i.e. when there was a decision and an asylum seeker lodged an application again, but the sum of facts had not been substantially changed. The remonstrance against such a decision has no dilatory effect.

Sweden: The numbers of granted residence permits have decreased in recent years. From 60-70% some years back until 45% (2003).

Switzerland: 131 asylum seeking separated children received a final decision dismissing their application, the Federal Office for Migration's main argument being that the minors considered cannot prove that they are minors.

Family Tracing and Reunification

Bulgaria: A case, indicative for the trends in policy, is related to a Chinese woman who has a 6 month old baby with a Bulgarian citizen without being married to him. According to Bulgarian legislation the baby is a Bulgarian citizen. The woman has submitted an application for a residence permit in Bulgaria on the grounds that her child is a Bulgarian citizen. The authorities refused her application and now she has to leave the country and live without her child.

Bulgarian Helsinki Committee lawyers addressed the State Agency for Child Protection to ask their support in persuading the Ministry of Interior to allow the woman to stay in Bulgaria. The tightening of the immigration control could affect the most vulnerable immigrants, including children. As there is still no positive development of the case the BHC is now undertaking a media campaign to prevent the deportation of the woman and her baby.

Denmark: In the wake of a documentary aired on Danish television, the proposal to introduce mandatory DNA testing in cases of family reunification/ arriving refugee families was heavily debated. The documentary was about an Iraqi boy who had come to Denmark accompanied by persons who claimed to be his parents. After a few years in Denmark, the boy escaped 'the parents', who had abused him physically, and he turned to the Danish authorities and asked for help to be reunited with his real mother in Iraq. The boy was actually returned to his mother. The response from Save the Children Denmark has been that the pros and cons must be carefully considered before introducing systemic changes and using such drastic methods, e.g. the use of biometric data is potentially traumatising for children, 'family' can be more than biology, different concepts of family, truth may undermine family unity in cases where there was infidelity that led to birth etc. and that the purpose ought to be to ensure the best interests of the child with due respect for family unity and cultural practices.

Finland: The Ministry of Interior set up a working group in 2004 to discuss and make recommendations about family tracing of separated children and information sharing of different authorities. The report was launched on February 2005. The working group did not agree on everything. The report offers fruitful discussion on the best interests of the child from different

perspectives and makes some good recommendations.

However, it ends up to some suggestions which NGOs cannot approve:

- People working in reception should have duty to give information about private matters (like possible information about the whereabouts of the parents of children) of asylum seekers to the police, border police and to Directorate of Immigration. They suggest a change in the Alien's Act to go beyond other laws which protect privacy (Ministry of Labour disagreed on this).

- Regarding possible return of separated children the working group suggests that children could be returned also to an institution if family members are not found. (Ministry of Labour disagreed also on this).

NGO's have given a statement where they oppose these changes and also the plans to transfer the reception of asylum seekers to the Ministry of Interior. The reception is mainly to take care of people and should be kept separate of decision making. Good reception is based on trust.

Return

Denmark: There has been increased media attention regarding the fact that separated children whose applications for asylum have been rejected are being returned to institutions in their countries of origin when the authorities are unable to locate their parents or any other social network. This seems to represent a shift in policy. In cases known to Save the Children Denmark there is a clear tendency towards the Danish authorities increasingly attempting to return children to institutions without necessary protection.

Ireland:

In the 10-year period since 1994 approximately only one in 10 applicants has been afforded refugee status.

The Government has frequently represented its asylum system as one of the most generous and liberal in Europe, giving us no cause for shame. Yet, how does this claim stand up in the light of last week's reports that mothers were deported in a manner that required them to leave some of their children behind in Ireland?

Snatching highly esteemed and hard-working Nigerian students from their schools hardly accords with the reputed values of the nation once described as "the Island of Saints and Scholars".

It is believed by some of those who deal with refugees and asylum seekers that the Government will, in effect, work towards a "trade-off" between giving residency rights to immigrant parents of Irish-born children while, at the same time, greatly expediting the number of deportations of so-called "failed" asylum applicants. If this is indeed the case, there is an immense danger that the criteria for leave to remain on humanitarian grounds in Ireland will be applied even more harshly than is already the case.

The European Council on Refugees and Exiles has pointed out: "Even a full and inclusive interpretation of the Geneva Convention would not cover certain asylum seekers, who are nonetheless in need of international protection."

Governments regularly rely on supposedly authoritative reports about the safety of particular countries for deported asylum seekers. Unfortunately, this is to ignore the reality that wide generalisations do not give a truthful account of many local situations.

European governments have been deporting en masse to Kosovo asylum seekers who were refused refugee status on the grounds that the environment there is now safe. However, recent UNHCR reports on Kosovo recognise the ongoing need for protection of Kosovans, who have had extremely traumatic experiences in their own country.

The 1999 Immigration Act, Section 3 (6), provides generous criteria for facilitating the granting of leave to remain in Ireland. These include: length of stay in the country, family and domestic circumstances of the applicant, and the character and conduct of the person.

Many deportation orders and the manner of their implementation are shockingly at odds with the spirit of the 1999 Act.

(Extracts from Irish Times; March 22 2005)

Netherlands: The AMA-campus where separated children were prepared for return to their countries of origin has been closed. There are now 5 return locations in former asylum seekers centres where there are special wings for separated children.

The project on return & reintegration of Angolan asylum seekers from the Netherlands which started in January 2003 has been extended with one year. The project involves IOM sending back Angolan youngsters to an orphanage (Mulemba).

Poland: Both asylum and aliens legislation contain special provisions regarding the deportation of

separated children. According to Art. 94 of the 2003 Aliens Law, a decision ordering the deportation of a separated child to his/her country of origin or another country may be enforced only if care will be provided to him/her in that country by one of his/her parents or other adults, or by the relevant juvenile welfare institutions, in accordance with the standards provided for in the 1989 Convention on the Rights of the Child.

Romania: In September 2004 the Romanian Government adopted Decision no.1443 regarding the repatriation methodology for unaccompanied Romanian children and the special protection measures in their favour (Published in the Official Gazette, Part I, no. 873 of 24/09/2004). This Decision entered into force on January 1st, 2005.

Article 2 of the Decision defines a separated child as a “Romanian citizen below the age of eighteen, with limited capacity of exercise of rights, who arrive on the territory of another State unaccompanied by any of the parents or other legal representative and he/she is not under legal supervision of any other person”. The same legal status applies also to a child who is left unaccompanied after arriving on the territory of a foreign State.

This Decision sets the repatriation procedure of children to the country, the procedure of identifying the parents or other legal representatives, ways of paying the expenses of return and special protection services that ensure protection of unaccompanied repatriated children.

Spain: The Memorandum on return with the Moroccan authorities agreed on December 2003 continues to be contested by NGOs. The Memorandum intends to facilitate returns of minors to the country of origin, Morocco, without the observance of minimum guarantees.

In order to avoid arbitrary actions, guidelines on documentation procedures for separated children are being proposed to the IMMF (the autonomous government authority that assumes the guardianship in Madrid).

The findings of an investigation of returns of Moroccan minors to Morocco (carried out by two organizations: Colectivo Al Jaima and SOS Racismo) will be published in April 2005. The report aims to monitor and report the application of the Memorandum of 23rd December 2003 between Spain and Morocco to return Moroccan separated

children who stay illegally in Spain to the Moroccan authorities.

UK: The Government has promised to escalate efforts to return, both ‘voluntarily’ and forcibly, failed asylum seekers to their countries of origin, including unaccompanied children. Stating that it is “not in a child’s best interests to remain in the UK separated from their parents or communities”, the Government intends to trace children’s families in their countries of origin or to create other “acceptable reception arrangements”. A pilot project to return unaccompanied children to Albania is currently underway.

The Save the Children England Programme, UNHCR London and the Refugee Council are all heavily involved in monitoring the planning of the Home Office pilot programme to return unaccompanied children to Albania. Discussions with the Home Office are ongoing and the Refugee Children’s Consortium (to whom all three members belong) recently met with Des Browne, Minister of State for Citizenship and Immigration at the Home Office, to express concerns over the reception arrangements and care provision for children being returned to Albania under the pilot.

Trafficking

Czech Republic: From 25 November 2004 to 10 December 2004 the Organisation for Helping Refugees, OPU, and the Czech branch of La Strada organised a series of activities marking the campaign “16 Days of Activism against Gender Violence”. The activities included special programmes for separated children such as a documentary on trafficking and dissemination of information regarding trafficking, SGBV and AIDS amongst the female and male adolescents. The Manual on “Prevention and Monitoring of Sexual and Gender Based Violence among Persons in Need of International Protection” produced earlier in 2004 as part of the PHARE ACCESS 2001 project by the Hungarian NGO Mendek and OPU (Czech NGO). The campaign closed with a two-day meeting with Czech specialists and members of the team from the Ministry of Health are preparing a manual for doctors for victims of violence.

As part of the information campaign, OPU organised a lecture on smuggling and human trafficking at a newly established foster home for separated children including showing of a related

film. Also at the Pedagogic Faculty of the Charles University in Prague they gave a briefing on the current situation of separated children in the Czech Republic.

Denmark: An inter-ministerial working group is presently working on designing a plan of action to combat trafficking in children (“a national preparedness for action”). Save the Children Denmark has had the opportunity to meet with the working group and share views on how the rights of the child victims of trafficking can be protected through the national plan of action.

Ecpat Denmark/Save the Children Denmark is involved as a partner in a joint East-West multi-stakeholder training programme on trafficking in children for sexual purposes. The objective of the project is to enhance knowledge, awareness and expertise and to improve the operational skills of various stakeholders in order to protect children from trafficking for sexual purposes in Western and Eastern Europe, to recognise under-aged victims of trafficking, to address their specific needs on a child rights basis, and to increase the prosecution of traffickers. The project is based on a twinning concept where two partners share responsibility and expertise in developing and organising training. Ten twins (20 partners) have been identified. The project is planned for a two-year period. DCI-ECPAT-NL is coordinating the programme.

Finland: The working group preparing the national action plan against human trafficking has completed its proposal. The draft was submitted on 31 March to Foreign Minister Erkki Tuomioja, and it will be presented to the Government for approval in the near future.

The draft action plan is Finland’s first ever proposal for comprehensive measures to combat human trafficking. The action plan is built on three central principles: 1) all efforts against human trafficking are grounded in human rights and focus on the victim; 2) emphasis on the gender perspective; and 3) the importance of cooperation.

The action plan proposes measures aiming to identify victims, prevent human trafficking, assist victims of human trafficking, prosecute those guilty of human trafficking and to increase knowledge and awareness of human trafficking as well as measures for implementation and monitoring of the action plan. An additional objective is to control demand.

Netherlands: Important changes in law have come into force since January 2005:

- New section of law on trafficking (mainly on organ trade)
- National Plan of Action on Regulation and Protection of the Prostitution sector. This plan includes measures to prevent prostitution of minors and trafficking in Human Beings, although according to ECPAT-NL it could have been more specific. A good thing is that the National Centre Youth prostitution has been founded.
- National Action Plan on combating Trafficking in Human Beings has been sent by the Government to the Parliament in December 2004. This plan also contains measures on trafficking in minors.

ECPAT-NL is conducting in the training project Joint East-West multi-stakeholder training programme on trafficking in children for sexual purposes.

Slovenia: PATS (Project against Trafficking and Sex and Gender Base Violence) is a pilot project, implemented in Asylum Home with an aim to introduce formalised mechanisms to identify, assist and protect victims of human trafficking and SGBV within asylum procedures in Slovenia. Project’s introductory phase of implementation (June – Dec. 2004) confirmed the suspicion that human trafficking occurs within the asylum system in Slovenia. Serious suspicion of victimisation by human traffickers occurred in three cases of minors (all female from Albania, age of 17). In 2005 the implementation of PATS project was transferred from Slovene Philanthropy to Ključ Association. Social protection institute of the Republic of Slovenia is preparing the research regarding child trafficking in Slovenia.

Spain: Due to the open regularization process (until 7-May), the number of separated children has increased in the last months and the situation of separated children in the border with Morocco, Ceuta and Melilla (the Spanish enclaves in North Africa) is quite serious and worrying, especially girls at risk of traffic and prostitution.

UK: The provision in the 2004 Asylum Act imposing further criminal sanctions against traffickers in human beings came into force on 1 December.

Miscellaneous

World Fit for Children Campaign

Child-led movements around the world have launched an initiative to mobilize children to evaluate progress on government's development promises, as part of the Global Movement for Children's (GMC) 'World Fit for Children Campaign'.

A questionnaire will enable children at a country level to link their activities and plans with those of other groups. Any formal or informal group of children where children have a level of decision-making authority are invited to take part.

All concerned organizations are invited to publicize the campaign to children's groups in their country and region. Regional contact addresses and questionnaire will be made available on the GMC website. An activity pack for children and supporting adult organizations will be available on the GMC website in April 2005: www.gmfc.org

For more information, contact Kate Norgrove, GMC: info@gmfc.org

Judgement of the Court of Justice of the European Communities

A young child who is a national of a member state is entitled to reside in another member state if he or she is covered by sickness insurance and has sufficient resources. To reject an application for a long-term residence permit submitted by a mother – who is a national of a non-member country – would render the child's right of residence entirely ineffective.

Mrs Chen's right of residence: Community law guarantees dependent ascendant relatives of the holder of a right of residence a right to install themselves with that person. According to the case-law of the Court of Justice, that situation is characterised by the fact that the material support of the ascendant is provided by the person holding the right of residence. Since Mrs Chen is in the opposite situation, she could not therefore enjoy a right of residence on that basis.

However, the Court held that to refuse Mrs Chen a right to reside with her daughter in the United Kingdom would render her daughter's right of residence totally ineffective. For Catherine to be able to enjoy her right of residence, she must, as a young child, be entitled to be accompanied by her mother, who is her carer.

The full text of the judgment, Case C-200/02, may be found on the Court's internet site:

curia.eu.int/jurisp/cgi-bin/form.pl?lang=en

Croatia: Based on their one-year research of illegal migrations and asylum issues in Croatia, Centre for Peace Studies, **Zagreb**, has recently started a campaign with the aim to intensify the process of the acceptance/integration of foreigners in Croatian society.

Goals of the campaign are: raising public awareness of the problems of illegal migrations and trafficking in persons, raising tolerance and suppression of xenophobia, improving the implementation of the Asylum Law, initiating public discussions on the process and politics of integration.

The campaign will use different approaches such as public discussions, round tables, conferences, exhibitions, etc. Considering problems that exist in Croatia for at least a year now, the most important part of the campaign might be the direct work with local communities near the reception centres for asylum seekers.

In April 2005 Centre for Peace Studies organizes a conference on integration policy.

The Governmental Office for Human Rights is to announce the approved grants for the NGOs' projects on the promotion and protection of human rights. A number of projects will address the issues of trafficking and asylum.

Denmark: Save the Children Denmark Youth celebrated the 15-year anniversary of the Child Rights Convention in the City Hall Square in Copenhagen together with other Danish youth organisations. The agenda of Save the Children Youth was to draw attention to the high number of separated children seeking asylum in Denmark who have disappeared. Among other activities they also distributed handbills reading: Children are missing – Find them! No rewards!

Publications

Asylum seeking single women, women head of families and separated children: Reception practices in Greece

UNHCR Greece

[www.unhcr.ch/cgi-](http://www.unhcr.ch/cgi-bin/texis/vtx/home/+6wwBmeIVVDeq:wwwqwmmmmmmwbFqo20I0E2glFqoGn5nmGqrAFqo20I0E2glcFqtGnnqnDzm:wwwmmmmmmw/opendoc.pdf)

[bin/texis/vtx/home/+6wwBmeIVVDeq:wwwqwmmmmmmwbFqo20I0E2glFqoGn5nmGqrAFqo20I0E2glcFqtGnnqnDzm:wwwmmmmmmw/opendoc.pdf](http://www.unhcr.ch/cgi-bin/texis/vtx/home/+6wwBmeIVVDeq:wwwqwmmmmmmwbFqo20I0E2glFqoGn5nmGqrAFqo20I0E2glcFqtGnnqnDzm:wwwmmmmmmw/opendoc.pdf)

Brochure on separated children

Slovak Humanitarian Council

Mainly information on NGOs dealing with separated children. The brochure is being distributed to NGOs, state authorities, Alien and Border Police and others that may come into contact with separated children.

Children without protection in Europe: pre-study concerning the possibilities of establishing Lifeline - a help-line including both telephone and email - for separated children without documents

Save the Children Sweden

The report describes the situation for children “without papers” in Poland, Spain and Sweden.

www1.rb.se/Shop/Products/Product.aspx?ItemId=1316

Concluding observations: Croatia

UN Committee on the Rights of the Child

November 2004

Observations #61 and #63 recommend the introduction of the specific regulations and measures to ensure the basic rights (such as access to education, health and proper accommodation) of asylum-seeking and refugee children are respected.

www.pravobranitelj.gov.hr/tekstovi/Add.243.pdf

Dimensions of integration: migrant youth in Central European countries

International Organization for Migration

March 2005

www.austria.iom.int/en/images/uploads/Publication-DimensionIntegration.pdf

Dokumentation “Wir können eure Zukunft sein! Zukunftsperspektiven von jungen Flüchtlingen in Deutschland”. Bundesweiter Kongress zum Weltkindertag 17.-18. September 2004

Dagmar Gerhard, Alexandra Müller (Hrsg.)

Bundesfachverband UMF

In German

Der erste Augenblick entscheidet: Clearingverfahren für unbegleitete minderjährige Flüchtlinge in Deutschland.

Albert Riedelsheimer, Irmela Wiesinger (Hrsg.).

Standards und Leitlinien für die Praxis, von Loeper Literaturverlag, Karlsruhe 2004, 13,50 Euro

In German.

Handbook on best practices with regard to clearing procedures for separated children

European conference: Freedom, Security and Justice for Children? Emerging EU Asylum and Immigration policy

Defence for Children International the Netherlands, January 2005.

Report from the conference held November 3 2004 in Brussels, organised by Defence for Children International the Netherlands in cooperation with the Separated Children in Europe Programme, Save the Children and DCI-Belgium.

Final report on Victim Assistance for Minors: Capacity Building via Training and Exchange of Information / Best Practices between EU, candidate and third countries, a project

organised by IOM Vienna and IOM Prague, the Stability Pact for South Eastern Europe, Polizei Wien, SECI Center Bucarest, EUROPOL and Bundesfachverband UMF

Report available from IOM Vienna

www.iomvienna.at

Former Child Soldiers as Refugees in Germany

Quaker United Nations Office (QUNO)

The publication plus others on child soldiers at:

www.geneva.quno.info/main/publication.php?pid=115

Information leaflet for asylum seekers

UNHCR Croatia and Croatian Law Centre

In 9 languages

Jeunes scolarisés sans papiers: Régularisation, mode d'emploi. Guide pratique et juridique, réalisé par des militants et associations du réseau Éducation sans frontières

Education Sans Frontières

Further information:

www.educationsansfrontieres.org/statik/publications/index.html

Let's talk: developing effective communication with child victims of abuse and human trafficking

UNICEF Kosovo

Available on-line at: www.childtrafficking.org

To order a hardcopy email: prisbtina@unicef.org

Meeting the needs of separated children

Save the Children Sweden

Describes the work at a reception centre run by the municipality following an agreement made between the municipality and the Board of Migration

Menores, inmigrantes y refugiados: la situación en el Mediterráneo y Europa Central = Minors, migrants and refugees: the situation in the Mediterranean and Central Europe

CEPS Projectes Socials, 2005

The study compares the host situation of unaccompanied migrant minors in three different cities: Barcelona, Graz and Milan. It also presents the future challenges identified by CEPS Projectes Socials (Spain), OMEGA (Austria) and CAPAC (Italy). A DVD contains main presentations from a conference held 2 July 2004.

In Spanish and English.

info@asceps.org

National programme for the promotion and protection of human rights 2005-2008

Governmental Office for Human Rights (Croatia).

The Working Group for the NP consulted a large number of institutes, state agencies, institutions, media and wide range of NGOs. The NP lists 17 priorities, among which “children and youth” are priority #6, asylum seekers got insufficient attention, under the priority #11 “suppression of racial and other forms of discrimination”, and “trafficking in persons” is priority #12.

The NP is available (so far only in Croatian) on the web-site of the Governmental Office for Human Rights:

www.ljudskaprava-vladarb.hr/Download/2004/12/21/NACIONALNI_PROGRAM.10.12.doc

National programme for the suppression of trafficking in persons 2005-2008 and Action Plan for 2005

The Governmental Office for Human Rights & National Committee for the Suppression of Trafficking in Persons (Croatia).

Available in English at:

www.ljudskaprava-vladarb.hr/Download/2004/12/28/nacionalni_program_engl.doc
www.ljudskaprava-vladarb.hr/Download/2005/01/12/Action_Plan_2005.doc

No place for a child: children in UK immigration detention: impacts, alternatives and safeguards

Save the Children United Kingdom

A report on the detention of asylum-seeking children in the UK.

Press release, executive summary and report available on-line:

www.savethechildren.org.uk/

Preliminary research findings of an expert workshop on child trafficking in Europe

UNICEF Innocenti Center

March 2005

www.childtrafficking.org/eng/workshop/march05/index.html

La protection des enfants étrangers

GISTI, le Groupe d'information et de soutien des immigrés

Décembre 2004, 44 pages, ISBN 2-914132-35-2, 10 € + 1,5 € de frais d'envoi

Contact: 3 Villa Marcès, 75011 Paris. Tél : 01 43 14 84 84, E-mail : gisti@gisti.org

Report on the work of Ombudsman for Children in 2003

The report describes the first 4 months of the work of the Croatian Ombudsperson for Children.

Available in Croatian at:

www.pravobraniteljzadjeu.hr/tekstovi/IZVJESCE%20%20RADU%20PRAVOBRANITELJA%20ZA%200DJECU%20ZA%202003%20GODINU.pdf

Slovene brochure

Slovene Philanthropy has prepared an article about separated children for Slovene expert public. The receivers of the brochure are Centres for social work (governmental institutions that are responsible for management of separated children and dealing with social component of management of refugees in general), Health centres and Employment Service of Slovenia.

Trafficking in Human Beings in South Eastern Europe

The report looks at trends and responses to trafficking in human beings in the eight countries: Albania, Bulgaria, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo.

www.unicef.org/ceecis/Trafficking.Report.2005.pdf

Uncertain futures: children seeking asylum in Wales

Save the Children UK, February 2005

This is the first detailed study of its kind in Wales; it provides an analysis of the numbers of asylum-seeking children in Wales and highlights the major

issues affecting their lives. It reports on the experiences and views of children and young people living in Wales as well as those of the people working closely with them. Issues covered include: social integration; immigration processes; service provision; and areas of concern relating to education, health, housing and social care.

It has been produced further to research carried out by a team at the Universities of Glamorgan and Cardiff with children and young people and also professionals working in the field.

To order a hard copy contact:

walesinfo@savethechildren.org.uk

US State Department Human Rights Reports

28 Feb 2005

www.state.gov/g/drl/rls/hrrpt/2004/index.htm

»Wir bleiben draußen«, Schulpflicht und Schulrecht von Flüchtlingskindern in Deutschland

Terre des Hommes, 80 pages, Seiten,

In German

A nationwide overview on the possibilities to get access to education for asylum seeking and refugee children in Germany.

www.tdh.de/content/aktuelles/studien/draussen.htm

Your way – information booklet on the Danish asylum system for unaccompanied minor asylum seekers

Danish Refugee Council, December 2004

Available in Danish, Arabic, Sorani Kurdish, Somali, Farsi/Dari and English

Order to: info@flygtning.dk

La zone des enfants perdus: Mineurs isolés en zone d'attente de Roissy

Analyse de l'Anafé du 1er janvier 2004 au 30 septembre 2004

Anafé, Association Nationale d'Assistance aux Frontières pour les Étrangers

Download in pdf-format at:

www.anafe.org/download/rapports/Ana%0E9-Rapport-mineurs-nov-04.pdf

Das Zuwanderungsgesetz - Hinweise für die Flüchtlingssozialarbeit

Hubert Heinhold/ Georg Classen

Informationsverbund Asyl/ ZDWF e.V., IBIS und von Loeper Literaturverlag, 9,50 Euro

In German

Information on the new Immigration Law which entered into force on January 1st 2005.

Upcoming:

In May 2005 the EPIMA project is going to publish a **book about the EPIMA Project**. The book will report about the activities within the project and the situation of young asylum seekers concerning education and labour market in Austria.

Publication of practical guidelines for work with separated children (for students, future social workers and audience with an interest in the issue) is being prepared by the Slovak Humanitarian Council.

Trafficking in minors and sexual “exploitation” of minors in the Netherlands – expected publication before July 1st 2005.

Events

2004

2004, Croatia

CARDS workshops

UNHCR helped to facilitate and participated in a series of CARDS workshops organized for Ministry of Interior staff members, judges from the administrative court and NGOs involved in the assistance provided to asylum seekers.

EU CARDS 2001 Twinning Project on the Reform of Asylum in Croatia started in March 2003 and was extended to mid 2005.

June, Croatia

Round table on “Asylum in Croatia after 1st July 2004”

Co-organised by UNHCR, the Centre for Human Rights and Croatian Law Centre.

The objective was to initiate a public debate on the right to asylum, international legal standards in the protection of asylum seekers and refugees, with the special focus on the Law on Asylum.

September, Croatia

Workshop “Interpreting in a refugee context” for translators who interpret for the Ministry of Interior, UNHCR and Croatian Law Centre within the asylum procedure.

Organised by UNHCR, planned jointly by UNHCR and EU CARDS advisor to complement the EU CARDS Twinning Project on Reform of Asylum in Croatia.

17-18 September, Nuremberg, Germany
Conference "We can be your future" and preceding workshop for young refugees who subsequently took an active part in the conference.

Organised by the Federal Association for Unaccompanied Minor Refugees in co-operation with SCEP, UNHCR and the Federal Association for Youth Welfare (Bundesarbeitsgemeinschaft Jugendsozialarbeit/BAG JAW)

The young asylum seekers and refugees were among the key speakers and reported on their psychological situation, their lack of perspectives and the lacunae in regard of their educational/vocational prospects. In the concluding discussion of the panel, which comprised a member of Parliament, NGO experts and an UNHCR representative, various suggestions for improvement were presented to the public.

2-4 November, Osnabrück, Germany
International conference against child trafficking
Organised by Terre des Hommes, hosted in cooperation with the City of Osnabrück, 200 participants from more than 30 different countries. Politicians, representatives from various institutions, specialised organisations, the media and the project work discussed the current situation and drew up practical recommendations for action to effectively combat child trafficking.

3-4 November, Madrid, Spain
Seminar "Evaluation of the National Plan against Sexual Exploitation of Children"
Organised by Save the Children

12 November, Ljubljana, Slovenia
The training for separated children's guardian was organised and implemented as a 2 and a half day weekend event, starting with Friday (afternoon in Centre of school activities (Home Soča Tolmin). Beneficiaries were: future guardians (Slovene Philanthropy volunteers, students of social work, social and refugee workers) representatives of some organisations active in the field of migration and asylum (GOs and NGOs). The number of all participants was 38 persons.
Organized by Slovene Philanthropy and funded from CDP Grant Scheme.

24-26 November, Pula, Croatia
Seminar "Suppression of Trafficking in Persons, Especially in Women and Children" for the police, State Attorney's Office and investigation judges.
Organized by Ministry of Interior and IOM.

28 November-1 December, Slovakia
Training for ERF project staff of Slovak Humanitarian Council, even for interested social workers dealing with separated children.
Organised by UNHCR & MO

December, Slovakia
SGBV training for people dealing with UM:
Organised by UNHCR

6-8 December, Ljubljana, Slovenia
Regional conference entitled "Exploring the regional applicability of the Project Against Trafficking and Sex and Gender Based Violence (PATS)"
Organised by Ključ Association and UNHCR Slovenia.

14 December, Madrid, Spain
Seminar "Victims of human trafficking in necessity of protection"
Organised by UNHCR

2005:

14-15 January, Vienna, Austria
International conference "EPIMA – Empowerment and participation of young asylum seekers". More than 70 people - 25 of them asylum seekers – participated in the conference.
Organised by Asylkoordination Österreich
Documentation in English available at www.epima.at

February, Zagreb, Croatia
Seminar on the processing of cases of trafficking in persons for administration of justice
Organised by the Ministry of Justice and Governmental Office for Human Rights.

February, Zagreb, Croatia
Seminar on trafficking in persons – for diplomatic and consular staff.
Organized by Ministry of Foreign Affairs.

24-25 February, Madrid, Spain
Seminar "Broken wings: children and armed conflicts".
Organised by Save the Children

28 February – 1 March, Riga, Latvia
Seminar on asylum seeking children.
Organizers – Ministry of Interior of the republic of Latvia and UNHCR.

Participants – NGOs from Latvia, Lithuania, Estonia, representatives from responsible state institutions of these states and representatives from UNHCR

March, Vienna, Austria
Theatre production “20.000. Miles”. The actors are separated children from the refugee camp Traiskirchen. Premiere on 10th of March in the Schauspielhaus Vienna.
Produced by SOS Menschenrechte in co-operation with Joao de Bruco

18-19 March, Tirana, Albania
Internal meeting as a part of the Joint East-West multi-stakeholder training programme on trafficking in children for sexual purposes.

21 – 22 March, Zagreb, Croatia
Seminar on development of the Project Against Trafficking, PATS, in Croatia.
Organised by UNHCR Slovenia and the Slovene Philanthropy.

The primary objectives of this project are to introduce formalized mechanisms to provide information to those asylum-seekers most at risk of falling prey to human traffickers (among whom, children and women are the most vulnerable) and to assist and protect victims of human trafficking and sexual and gender based violence identified within the asylum procedures. The Slovenian experience in development of the related project will be presented and discussion on development of such project in Croatia will be opened among organisations involved in the asylum procedure and in combat trafficking against human beings activities in Croatia.

6-8 April, International House, Stavanger, Norway
Nordic Integration Conference
www.inthus.no/..../doc/pdf/integrasjon.pdf
Day three of the conference has a few lectures about immigrant minors, but not on separated children in particular.

8 April, Antwerp, Belgium
Workshop “Criminalisation of assistance to undocumented migrants: new European legislation and strategies to defend ourselves”
Organised by PICUM
Further information: www.picum.org

8-10 April, Zagreb, Croatia

Conference on integration policy for asylum seekers.

Organized by Centre for Peace Studies
Contacts for information: cms@zamir.net, cms@inet.hr

11-13 April, Evangelische Akademie Hofgeismar, Kassel, Germany
Conference of the Federal Association for Unaccompanied Minor Refugees on “Special care for unaccompanied minor refugees in Germany”.
Working groups on the new Immigration Act, on mental illnesses, antisocial behavior of young refugees, reintegration of separated children in Vietnam, illegal migrants.
More information at phone no. 0049-911-2373753

26 April, London, UK
Unaccompanied Asylum-Seeking Children: Linking Research and Practice Forum
European Centre for the Study of Migration and Social Care, University of Kent
More details: H.C.Carr@kent.ac.uk

26-27 April, Kyiv, Ukraine
Council of Baltic Seas States expert meeting
Building Competence and Capacity on Care, Rehabilitation and Reintegration of Children Victims of Trafficking in the Baltic Sea Region
More details: www.childcentre.info/

24 May, Helsinki, Finland
Seminar on the well being of asylum seekers.
Organised by Refugee Advice Centre, Central Union for Child Welfare and an association dealing with tortured people
The point is to discuss the increasing numbers of asylum seekers who are in desperate situation and are not granted protection. These so called Dublin-cases travel for years from one EU member state to another trying to avoid the return to the country of origin. There are families where parents have mental health problems and are not capable to give any support to their children. A child psychiatrist from Sweden will also give a view to the phenomena “apathetic children” in Sweden; MD, PhD Mr. Göran Bodegård from The Child- and Adolescent Psychiatric Clinic in Stockholm, Karolinska University Hospital is going to give a presentation.

13-14 May, London, UK
How much Freedom, Security and Justice?
Developments in EU Asylum and Immigration Law
Conference leaflet:

<http://www.statewatch.org/news/2005/mar/ilpa-conf.pdf>

19-20 May, Madrid, Spain
Workshop on "Legal protection of separated children"
Organised by Save the Children
For further information contact Almudena Escorial at aescorial@savethechildren.es

19-20 May, Brussels, Belgium
EFSCW Seminar on EU funding and assistance programmes for excluded children and youth.
Organised by European Foundation for Street Children Worldwide.
For further information see www.enscw.org or contact Melanie Vritschan at melanie.vritschan@enscw.org

June 11-19, York University Toronto, Canada
Summer Course on Refugee Issues at the Centre for Refugee Studies
More information: summer@yorku.ca

4 - 15 July, Université Libre de Bruxelles, Belgium
European summer school: European Union Law and Policy on Immigration and Asylum
Organised by Odysseus Network, Academic Network for legal studies on immigration and asylum in Europe
Further information at:
www.ulb.ac.be/assoc/odysseus/Summer05UK.html

July & October, UK
Under the UK Presidency, a major event on resettlement will take place in July 2005, followed by an event on integration in October 2005.

15 - 19 August 2005, University of Essex, UK
Essex Summer School in Social Sciences Data Analysis and Collection: Applied Research Methods with Marginal and Hidden Populations
This intensive course provides an overview of applied research methods in conducting research, both qualitative and quantitative, with marginal and hidden populations, such as children victims of exploitation or trafficking, migrants, homeless, people affected by HIV/AIDS, drug addicted, etc. Combining both taught and practical sessions, the main emphasis of the course is on acquiring practical skills in doing research.
The course introduces the main theories and approaches focusing on participatory research using different frameworks and techniques. Focusing on action-oriented research, the course will also touch

the use of research in monitoring and evaluating the impact of actions and programmes.

Further information:

www.essex.ac.uk/methods/index.htm

16 September, Geneva, Switzerland
CRC 2005 Day of General Discussion on "**Children without parental care**"

For more information:

www.obchr.org/english/bodies/crc/discussion.htm
or contact CRCgeneraldiscussion@obchr.org

Useful web sites

Trafficking: www.ecpat.net

The mandate of the Special Rapporteur on Trafficking in Persons Ms. Sigma Huda:
www.obchr.org/english/issues/trafficking/index.htm

To receive information about **European anti-discrimination policy**, you can sign up to the European Commission's online contacts database at www.nondiscrimination-eu.info

Bulgaria:

Bulgarian Helsinki Committee: www.bghelsinki.org

Bulgarian Red Cross: www.redcross.bg

Caritas Bulgaria: www.caritas-bg.org

UNHCR Bulgaria: www.unhcr.bg

UNICEF Bulgaria: www.unicef.bg

Bulgarian Government: www.government.bg

State Agency for Refugees: www.aref.government.bg

State Agency for The Child Protection:

www.casp.government.bg

Czech Republic:

www.unhcr.cz

In December 2004 the English version of the UNHCR Czech Website, which includes the basic information about Czech-related UNHCR activities, was launched and it is now accessible to the general public.

Germany:

www.tdb.de/stop/english/index.htm

Statements (in English) held on the international conference on child trafficking from November 2nd-4th, 2004 under:

www.bundesfachverband-umf.de

Web site of the Federal Association for Unaccompanied Minor Refugees

www.tdh.de/content/index.htm:

Web site of Terre des Hommes Germany with information on refugee children, a study on child soldiers, a campaign for victims of trafficking and a study on access to school.

www.bamf.de:

Web site of the Federal Office for Migration and Refugees

www.agj.de/htm/agj_naco.htm:

German National Coalition for the implementation of the UN-Convention on the Rights of the Child

Norway:

The Directorate of Immigration: www.udi.no

The Immigration Appeals Board: www.une.no

UK:

www.savethechildren.org.uk/caris

Save the Children and the Glasgow Centre for the Child and Society have recently launched a new website with information on legal issues affecting young asylum seekers and refugees in Scotland. It is aimed at young people, parents, lawyers and advisers.

Reporting organisations

Asylkoordination Österreich
Bulgarian Helsinki Committee, Refugees' and Migrants' Protection Project
Bundesfachverband UMF (Germany)
Caritas - Refugee Office (Luxembourg)
Central Union for Child Welfare (Finland)
Centre for Social Policy Initiatives (Croatia)
Counselling Centre for Refugees (Czech Republic)
Defence for Children International The Netherlands & Ecpat the Netherlands
International Social Service, Swiss Foundation
Latvian Red Cross
Portuguese Refugee Council
Refugee Council (UK)
Save the Children Denmark
Save the Children Norway
Save the Children Spain
Save the Children Sweden
Save the Children UK
Slovak Humanitarian Council
Slovene Philanthropy
UNHCR Austria
UNHCR Croatia
UNHCR Czech Republic
UNHCR Germany
UNHCR Greece
UNHCR Poland
UNHCR Representation in Slovakia
UNHCR Spain
UNHCR UK

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Statistics on arrivals of separated children seeking asylum in Europe by March 2005

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

Receiving country	Nnumber		Age 15-18		Males	Females	Main countries of origin		Source
	2004	2005	2004	2005					
Austria	1351 ¹	40 ² P	N/A	N/A	N/A	N/A	2004: Nigeria Moldau Gambia Georgia	2005: Gambia Nigeria Algeria Afghanistan China	Ministry of the Interior (MOI)
Bulgaria	Sep.- Dec. 113 A	Jan.- Feb. 43 A	N/A	N/A	N/A	N/A	Afghanistan Iran India Bangladesh		SAR /State Agency for Refugees
Croatia	4 A ³	N/A	4	N/A	4	-	Cote d'Ivoire Iraq		Ministry of Interior
Czech Republic	95	18 A	88	18 A	2004: 71 2005: 15	2004: 24 2005: 3	2004: China Vietnam Chechnya Mongolia Russia	2005: China Liberia Slovakia Belarus Ukraine	Czech Ministry of Interior
Denmark	125 ⁴ / 61 ⁵ A	Jan: 9 A	44 A (of 61)	N/A			Afghanistan Romania Lithuania Somalia Iraq		Danish Immigration Service

¹ 1351 is the number of asylum seekers recorded as SC. In 281 cases the authority responsible for the asylum procedure, did not believe the age claimed by the asylum seekers and declared them as adults. So the official number of SC for 2005 is 1070. 88 of them are reported as younger than 14 years at the time of application.

² 40 is the number of asylum seekers who claimed to be SC. In 6 cases the authority responsible for the asylum procedure, did not believe the age and declared them as adults. The official statistics stipulate that in January 2005 only 34 SC asked for asylum. The number shows a considerable drop in the number SC. in Austria, during 2004 the monthly number of SC was about 110 on average. Although NGOs also report a reduction in the numbers of SC during the last months, the number given in the MOI statistic can't be correct. For example, NGOs have information, that alone in the refugee Camp Traiskirchen around 60 SC asked for asylum in January 2005.

³ According to the information from the Ministry of Health and Social Welfare, 93 foreign children (under 18 years) were registered in Croatia in the 9 months period of 2004. They mainly originated from Albania, Serbia and Montenegro, Turkey, Bosnia and Herzegovina and Macedonia. Due to the reporting system of the Ministry, only after March 2005 it will be possible to obtain completed information covering the period January – December 2004. Asylums seeking separated children (4) have been included in the above-mentioned number. All 4 asylum seeking separated children left Croatia in 2004.

⁴ This number includes all separated children applying for asylum.

⁵ This number includes all the cases of separated children, where actual casework was done, e.g. cases where the children did not disappear before real casework had started.

Receiving country	Number		Age 15-18		Males	Females	Main countries of origin		Source
	2004	2005	2004	2005					
Finland	139	N/A	102 (16-18)		2004: 110	2004: 29	2004: Somalia 47 Afghanistan 25 Angola 13 DR Congo 11		Directorate of Immigration
Germany	801 ⁶ A	N/A	N/A	N/A	2004: 483 A	2004: 318 A	Vietnam (153) Turkey (55) Ethiopia (53) Serbia & Mont. (51) Afghanistan (33)		Federal Office for Migration and Refugees
Greece	302	16 P	278	16	2005: 13	2005: 3	Afghanistan Nigeria Iraq Pakistan Syria		Greek Ministry of Public Order, Asylum Office
Luxembourg	102 A	5 E	93	3	2004: 78 2005: 3	2004: 15	Nigeria Sierra L. Liberia Gambie Sudan		Caritas
Netherlands	381 (Jan-Aug) ⁷	55/60 per month E	15- 17,5 ca. 25/ mon. 17,5- 18 ca. 8/ mon				2004: China India Angola		Asielrapportage Vreemdelingenketen Ministry of Integration and Alien's issues
Norway	430 E	58 A	320 E	44 A	2005: 33	2005: 22	Afghanis. Somalia Iraq Russia Sri Lanka	Somalia Afghanis. Russia Angola Burundi	Directorate of Immigration
Poland	169								
Slovakia	194 ⁸ A	8 A	180 E	8 A	2004: 178 A 2005: 8 A	2004: 16 A 2005: -	Moldavia Bangladesh India China Russia/Chechnya		Archive Slovak Humanitarian Council

⁶ All figures refer to separated children from 0 to 16 years of age only. separated children from the age-group 16 and above who do have legal competence within the German framework of asylum and alien laws constitute the bulk of separated children in Germany, but are not separately counted.

⁷ Per 31-08-2004 9.015 separated children are in the asylum procedure in the Netherlands. The number of asylum seekers (incl. separated children) has decreased drastically. As a consequence there are fewer children in reception centres. However, we don't know the number of children who enter the Netherlands without asking for asylum.

⁸ Numbers are from SHC archive and it may contain repeated assistances due to re-entering asylum procedure in some cases.

Receiving country	Number		Age 15-18		Males	Females	Main countries of origin	Source
	2004	2005	2004	2005				
Slovenia	159 E	22 E/P	154	22	2004: 155 2005: 21	2004: 4 2005: 1	Albania Serbia & Montenegro Turkey Moldova Macedonia	Slovene Philanthropy
Sweden	311 (Jan- Oct)	N/A	200 E	N/A	2004: 200 E	2005: 100 E	Somalia Afghanistan Former Yugoslavia	Board of Migration
Switzerland	2004: 824 A	N/A	772 A	N/A	2004: 672 A	2004: 100 A	Guinea Conacru Somalia Nigeria Georgia Algeria	Federal Office for Migration (FOM)
UK	2.755 ⁹ Jul-Dec 1.873 ¹⁰ ¹¹	Dec 04- Feb 05: 873 ¹²	N/A	14- 15: 237 16- 17: 548 ¹³	2005: 626 ¹⁴	2005: 234 ¹⁵	Iran (85) Afghanistan (75) Somalia (55) Eritrea (50) Vietnam (45)	Home Office

⁹ All data for 2004 are subject to revision in *Asylum Statistics United Kingdom 2004*, expected in April/May 2005.

¹⁰ Figures from referrals by the Refugee Council Children's Panel that they may indicate some disparities in the Home Office figures

¹¹ Age disputed in 784 cases

¹² Age disputed in 354 cases according to the Refugee Council Children's Panel

¹³ Refugee Council Children's Panel

¹⁴ Refugee Council Children's Panel

¹⁵ Refugee Council Children's Panel

Statistics on trafficked minors in Europe by March 2005

Bulgaria: Although official statistics on trafficking are not available, the Bulgarian Helsinki Committee experience shows that almost all separated children who enter the asylum procedure are trafficked. The goal of the trafficking is the transfer from one territory to another. According to BHC information there are no reported cases of children's exploitation or abuse during the trafficking.

Czech Republic: There are no official statistics of trafficked children in the Czech Republic. Out of experience of the Counselling Centre for Refugees we think that there were at least ten cases of trafficking, mostly minors from China.

Denmark: The estimated number for 2004 is 31 minors trafficked to Denmark., 26 males and 5 females. Most of the children trafficked for theft said that they were between 12-17 years old, the Nigerian girls trafficked for sexual abuse said that they were between 15-17 years old. The countries of origin were Romania, Bulgaria, Lithuania and Nigeria. Source: Danish Red Cross Asylum Department: Annual report.

Finland: The boarder police have had suspects of some minors being transported through Finland, but there are no official estimates of the numbers.

Netherlands: There is no reliable information on the dimension of child trafficking in the Netherlands. Existing data on human trafficking is rarely disaggregated by age and/ or gender. Also numbers and estimates are usually reported without giving information on methodologies and sources of data.

Countries of origin: Information in the Innocenti Database is indicating that the Netherlands is a country of destination. About 40 percent of the women in prostitution in Netherlands are reported to be illegal immigrants many of whom come from Eastern Europe, Sudan, Liberia, Ghana and Sierra Leone. In Amsterdam, 80 percent of women in prostitution are foreigners and 70 percent of those do not have immigration papers, an indication that there might be victims of trafficking among them.

Internal trafficking: Girls are trafficked within the Netherlands, most publicised is the so-called loverboy-method. Victims are Dutch girls as well as migrant girls and refugee children. Offenders are (among others) Moroccan, from the Antilles, Surinam and Dutch. There are reports that occasionally victims are not only prostituted but also used for trafficking drugs, getting bank-loans and shoplifting.

The Quick Scan on minors in prostitution in the Netherlands, done by ECPAT-NL, gives the following information: Victims of loverboys are mainly from the Netherlands, some of Moroccan or Turkish origin. Minors who end up in prostitution through the asylum procedure (entering the Netherlands as separated children) are mainly from (West) Africa: Nigeria, Sierra Leone, Liberia and Angola. Also Chinese girls have been trafficked into prostitution through the asylum procedure. Since the immigration laws have become more strict for separated children, the number has decreased dramatically and the procedure has been less used by traffickers. Sources for statistics: The NGO STV (foundation against Trafficking in Women) registers (presumed) victims who are reported by among other the police, relief centres, individuals, refugee centres, youth care institutions and victims themselves. However there are no statistics available for 2004 and 2005. The Bureau National Rapporteur on Human Trafficking gathers information in various ways. I.e. every one or two years it conducts empirical research and secondary research on databases, which are made by other organisations.

Slovenia: 2 in 2004 and 1 in 2005, all 3 females in the age group 15-18 years. Countries of origin: Serbia & Montenegro and Macedonia. Source: Slovene Philanthropy.