

NEWSLETTER No 19

Separated Children in Europe Programme

December 2004

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

Programme update

Adoption of Strategic Plan

At the end of November, the Steering Committee approved the Strategic Plan that sets out the aims and goals of SCEP's work through 2006. For more information please visit the SCEP web site or contact SCEP staff.

Joint meeting with UNHCR

SCEP's annual joint meeting bringing together NGO partners and UNHCR field office staff took place in Vienna on 30 September. The meeting participants exchanged experience and identified possible areas and means for strengthening future co-operation at the national and regional levels.

NGO Network meeting

Following the joint meeting with UNHCR, the NGO Network held its third and final meeting in 2003. Topics of discussion included the implementation of Dublin II, child-specific forms of persecution and recent EU developments. During group work NGO partners presented their priorities and plans for the future as well as how

they would like SCEP to support them in achieving their goals.

Return and Separated Children

Under the new Hague Programme, the EU common asylum and immigration policy will further develop policies and legislation on returns. Decisions and procedures relating to return should ensure that the best interests of the child are given primary consideration. With this aim in mind, SCEP and Save the Children's Brussels Office recently issued a position paper, which was prepared in consultation with the SCEP NGO Network and which outlines good practice with regards to decision making and procedures for return of separated children. The paper is available under the publications section of the SCEP web site.

Redesign and updating of SCEP web site

The SCEP web site was redesigned at the end of November and transferred to a more user friendly maintenance system that will allow for regular updating of its contents. We encourage you to visit and to send us your feedback:

www.separated-children-europe-programme.org

Translations of Statement of Good Practice

A number of SCEP NGO partners and UNHCR national offices have started translating the revised Statement of Good Practice. The Statement of Good Practice is currently available in English, French and Spanish. Additionally, it is currently being translated into Croatian, Czech, Greek, Hungarian, Italian and Swedish and hopefully many more languages will follow. All translations will be made available on the SCEP web site.

Hard copies of the English and French versions can be ordered by e-mail to LBR@redbarnet.dk

SCEP Impact Evaluation and Documentation of National Activities 2004

The SCEP activities supported over the past year by the European Refugee Fund concluded at the end of November. This included the completion of the SCEP impact evaluation, which will be shared with all relevant stakeholders. Additionally, a summary documenting national activities supported by the ERF grant in 2004 will also be distributed.

New national NGO contact persons

There are new national contact persons in:

- France: Pascale Schneider
pascale_schneider@yahoo.fr
- Switzerland: Christoph Braunschweig
ssi-cb@SSISS.CH

As well as a **change of e-mail address** for:

- Eva Larsson-Bellander
Save the Children Sweden
eva.bellander@rb.se

All contact information is available at the web site.

EU

The new Hague Programme and the priorities for next five years

By Diana Sutton, Save the Children Brussels Office

The European Council has agreed its new five year programme called "The Hague Programme - strengthening freedom, security and justice in the European Union." There is a strong emphasis on security with statements such as "A key element will be the prevention and repression of terrorism." It is safe to say that this is the direction that we can see future asylum and migration policy driven in the future - as a security led agenda with strong so called "protection" measures in it - this will include

of course more measures to restrict access to the territory and more emphasis on finding solutions outside the EU.

What does this all mean for children and specifically separated children? We must be critical of measures which are supposedly designed to protect children but in fact do nothing of the sort - for example detaining children on the grounds that it protects them from re-trafficking. The proposals for the use of biometric data have also been suggested as having a beneficial impact on children in that they can help identify and trace children who have been trafficked - this may be so but they will need careful examination by NGOs in order to assess whether these protective elements are really there.

The Commission will present an Action Plan in 2005 which will contain proposals on the following key areas:

Human Rights: The Charter of Fundamental Rights will be incorporated into the Constitutional Treaty. This is important because they contain important new references to children's rights.

Common Asylum Procedure: The second phase of harmonisation will aim to establish a common asylum procedure and uniform status for those granted asylum and subsidiary protection, this second phase will be completed by 2010.

External Processing Centres: A study will look at the feasibility of processing applications outside the territory. This is concerning for children as it is unclear what safeguards there would be for children in closed environments with other adults without access to protection systems.

Legal Migration: One positive element is that the issue of legal migration is firmly on the agenda - the Commission should "present a policy plan on legal migration including admission procedures capable of responding promptly to fluctuating demands for migrant labour by the end of 2005."

External Dimension: The programme contains a new emphasis on the partnership with countries outside the EU to improve their capacity for migration management and refugee protection, promote better access to durable solutions and tackle return.

Returns: The programme makes a clear statement that if migrants do not return voluntarily they should be returned involuntarily. The Council will begin discussions in early 2005 on minimum standards for return procedures - which will take into account special concerns regarding public order and security. Specifically the proposals will include the launch of a European Return Fund and a special

representative for Common readmission policy - as well as region and country specific return programmes.

Trafficking: There is an important new emphasis on trafficking but, once again, in the framework of security and border management. It states that member states should “improve their joint analyses of migratory routes and smuggling and trafficking practices.” The Commission will develop a plan in 2005 to combat trafficking including common standards, best practices and mechanisms.

Biometric data: There will be increased emphasis on biometric identifying data in travel documents, visas and residents permits - the paper states that these must “strike the right balance between law enforcement purposes and safeguarding the rights of individuals.”

Exchange of information across borders: Powers to exchange information across borders between law enforcement agencies will be strengthened. This can have important positive implications for children - for example exchange information about people who have a record of abusing children who have been prevented from working directly with children. However there are important negative implications as well, for example what use will that information be put to and how will it be protected. Children for example who testify against traffickers do so at great personal risk and that information needs to be kept confidential because of potential reprisals to the child and their family.

In conclusion we can expect a strong security driven agenda on asylum and migration policy, with even greater restricted access to the territory, and a strong returns programme - with some new potentially positive emphasis on trafficking and managed migration, albeit labour market driven. The challenge for us as NGOs will be how to position ourselves - and how to get some benefits and positive protection measures for children

Freedom, Justice and Security for Separated Children? Children call on the EU to listen

On the eve of the summit where EU Justice and Home Affairs Ministers decided future orientations for asylum and immigration policy, children who are asylum seekers themselves presented the outcomes of their European Conference: Freedom, Security and Justice for Separated Children?

The conference took place on November 3rd 2004 in Brussels, organised by Defence for Children International the Netherlands in cooperation with

the Separated Children in Europe Programme, Save the Children Brussels and DCI-Belgium.

During the conference, children spoke directly of their experiences with the immigration system:

The 60 participants of the conference, including 12 separated children, call on the European Council of 4 & 5 November and the European institutions when implementing the Hague Programme over the next five years to ensure that the rights and needs of separated children are fully taken into account.

An outcome document from the conference presents recommendations within the following headlines:

1. Protection of Fundamental Rights; A child should be treated first and foremost as a child
2. 1997 Council Resolution on Un-accompanied Minors who are National of Third Countries; Need for a legally binding directive on unaccompanied minors
3. Protection for Child Victims of Trafficking; Need for a stronger protection framework for trafficked children
4. Promoting the ‘best interests’ of the child; ‘best interests’ is key principle
5. Access to EU territory and a fair and efficient protection system; Separated children should never be refused entry to a country
6. Separated children who are not asylum seekers; Need to develop protection systems for separated children who are not asylum seekers

A DVD was produced by the separated children to present their views and experiences and a conference report will soon be available.

For more information please contact Simone Bommeljé, DCI-NL, at phone 0031 (0)20-4203771 or e-mail: s.bommelje@defenceforchildren.nl

Changes and developments in law, policies and practice

Detention

GREECE

In Greece there has been a dramatic increase, lately, of Afghan separated children (male, predominantly 14-17 years old), who arrive with other Afghan undocumented migrants and end up in detention. At this moment it is estimated that as many as 200 separated children may be in detention. This is a trend of the past three or four months, as far as UNHCR Athens can tell. UNHCR Athens has expressed its serious concerns to the Greek

authorities, who have so far dealt with these children as if they were adult (and consequently detaining them at the borders for up to three months).

It appears that most of these children were previously in Iran for a few years, with or without their families, and are trying to avoid repatriation to Afghanistan.

UNITED KINGDOM

A report on Oakington Immigration Reception Centre was published by HM Inspectorate of Prisons in September 2004. At the time of the inspection, there were 41 children held in Oakington. The report criticised the standard of educational provision, and found mechanisms for reviewing the detention of children and their needs were inadequate. The report concluded that the government is jeopardising the well-being of asylum seeker and migrant children by detaining them.

Reception

AUSTRIA

New care and accommodation facilities for separated children are opened due to the Basic Welfare Support Agreement (Grundversorgungsvereinbarung) Art. 15a between the Federal Government and the provincial governments.

In the provinces Tirol, Wien and Steiermark new accommodation facilities for separated children opened in September and October 2005, in some other provinces already existing facilities increased their capacities.

FINLAND

The number of separated children arriving in Finland will be higher in 2004 than last year. 116 separated children have arrived by November 2004 compared to a total of 110 in 2003. Because of this the reception centres that receive separated children are full and new units (group homes) have been opened.

IRELAND

President visits separated children

According to Irish Examiner, 2/12/2004, President Mary McAleese paid a private visit to teenagers who arrived unaccompanied from war torn countries.

She shook hands and talked to 16-21 year olds from Congo, Angola, Uzbekistan, Afghanistan and the Ivory Coast. "A lot of the children would be from troubled countries. The fact that they could meet a

president was absolutely amazing to them," said trustee Mary King.

The 30 unaccompanied minors in the hostel are in the care of the East Coast Area Health Board. Many have no families left in their own countries, while others have been exploited by traffickers. "We don't ask why they're here or how they got here. We do our best and the hostel staff are phenomenal," said Ms King.

Around 40 former residents of the hostel, who were transferred to adult accommodation when they reached 18, returned to meet President McAleese.

Many have been granted refugee status and have completed Leaving Certificate exams.

However, Ms King said there were others who had their asylum applications rejected or delayed for four years.

NORWAY

"Nobody here knows that I don't dare to sleep"

The quote is from a 15 year old boy living alone in an asylum centre – a separated child in Norway. Furthermore, it is the name of Save the Children Norway's (SCN) report suggesting a supervision model and methods for supervision of separated, asylum-seeking children living in asylum centres in Norway.

For many years, SCN has been concerned for separated children. In 2003, SCN participated in the Directorate of Immigration's (DOI) tender competition on suggesting a model for supervision for separated, asylum-seeking children. SCN got the assignment.

During the assignment period, SCN has interviewed 97 separated children in five different asylum centres in southern Norway.

Today, DOI has the care responsibility for several hundred children. This is not founded in the legislation on foreigners that DOI administer.

Furthermore, the care services for these children are neither subject of the same quality demands nor legal protection than care services for children in the care of the child welfare. In SCN's view this is a violation of the children's formal rights.

The County Governor is today responsible for supervision of children in the child welfare system. SCN's report from the assignment suggests that the County Governor also should have the supervision responsibility for separated children in asylum centres. Furthermore, SCN suggests that the child welfare has the care responsibility for these separated children. Obviously, SCN finds that DOI is the only right instance for treating the children's

asylum cases. Therefore, SCN suggests that the asylum case and care case are divided.

There is an English summary in the otherwise Norwegian report, p. 11-14.

You can download the report on our web site www.reddbarna.no/docs_tmp/Redd%20Barna%20Rapport_enslige%20mindreårige%20asylsøker.pdf

POLAND

On the basis of Law on Providing Protection for Refugees Staying in the Territory of Poland a program for children staying within the asylum procedure was developed in one of the Warsaw Children's Home in April 2004. The minors, so far placed in Refugee Center, are being currently put under the care of the Home where they receive professional psychological and educational support.

SPAIN

Due to the Instruction 03/2003 that considers foreign minors over 16 "emancipated", unaccompanied minors suffer from legal gaps and lack of assistance. Different Administrative entities and agencies claim no responsibility over the children who see how they are not allowed to receive assistance/documentation neither as adults nor as minors. The situation is particularly vulnerable in Ceuta, Melilla (Spanish enclaves in North Africa), and sometimes at Madrid airport.

NGOs as well as other actors, including the Ombudsman Office, continue lobbying for the Instruction 3/2003 to be derogated. According to the Instruction, unaccompanied minors over 16 are treated as adults. The actual implementation of the Instruction varies in the different autonomous communities/cities.

SWEDEN

Save the Children Sweden believes that the reception of separated children should be the responsibility of the municipality, as for children deprived of their family that reside in Sweden – and not the Swedish Migration Board (SMB). The SMB's double role as care giver and the authority that decides on the residence application creates lack of confidence. A committee is now revising this at the Foreign Ministry.

UNITED KINGDOM

During the Committee stage of the Parliamentary debate on the Children Bill, Children's Minister (Margaret Hodge) managed to get five references to children's rights removed from the description of the new Children's Commissioner's role in,

rendering the commissioner's role somewhat diluted.

The Joint Committee on Human Rights published a report criticising the Children's Bill as unjustifiably discriminatory for excluding immigration and asylum agencies from new duties to promote and safeguard the welfare of children.

There is currently an Education and Skills Select Committee's Inquiry into Every Child Matters, the Government paper that preceded the Children Bill and set out the Government's intentions with regards to the protection and care of children in the UK.

Joint Committee on Human Rights – Nineteenth Report, September 2004,
www.publications.parliament.uk/pa/jt200304/jtselect/jtrights/161/16102.htm

Missing children

IRELAND

According to an article in the Sunday Business Post, 21/11/04, 250 children in Ireland have disappeared from the health board authorities in Dublin since the beginning of 2001.

The East Coast Area Health Board, which cares for most unaccompanied minors who arrive in Ireland from abroad, said that 48 children had disappeared from its care already this year, according to a report on RTE's Prime Time programme.

SWEDEN

Number of reported disappearances (source: Swedish Migration Board)

2000: 36

2001: 48

2002: 103

2003: 68

2004 until 30/6: 95

Procedures and recognition

AUSTRIA

The new Asylum Act, in force since May 2004, brought some relevant changes concerning the legal representation of separated children within the asylum procedure. Asylum seekers, including separated children, have to go to a reception centre (Erstaufnahmezentrum) upon arrival. They have to go through an admission procedure, which can last up to twenty days.

During this procedure the legal representation is done by legal advisers (Rechtsberater). After this period the youth welfare authority of the federal

state to whose care facility the minor is first assigned, takes over the legal representation.

In some cases separated children get a negative asylum decision already during their stay in the initial reception centre without an explicit decision regarding the admissibility. If so, the decision is handed out to the legal advisers, although their responsibilities are not that clear in this case as they are responsible for the representation in the admissibility procedure only, which at the latest ends with the communication of the negative decision. However, the law clearly stipulates the shift to the youth welfare authority only for cases where minors are sent to a follow-up accommodation. The above described case is simply not foreseen in the law. As it remains unclear who is allowed to appeal against the negative decision, the Asylum Lawyers Network has brought a precedent case before the Higher Constitutional Court (www.asylanwalt.at).

Gender and age based persecution

On September 2nd 2004 the Initial Reception Centre (West) granted refugee status to a 16 year old separated girl fleeing female genital mutilation (FGM) in Eritrea. After three previous appeals decisions, this was the first time that the first instance recognised fear of FGM as a reason for granting asylum.

GERMANY

Recognition rates

The protection rate (refugee status acc. to Art. 16 a German Constitution or Section 51 Aliens Act as well as humanitarian status according to Section 53 Aliens Act) pertaining to separated children under the age of 16 is with 9.9% (in 2003 and Jan. - June 2004) higher than the overall protection rate pertaining to all asylum seekers, which was at 5.7% in 2003 and 5.6% during the first half of the year 2004.

In 2003 refugee status was granted to 2.3% of all separated children under the age of 16 years and slowly increased to 2.5% during the first six months of 2004. The overall legal protection rates pertaining to main countries of origin of the separated children were as follows:

Afghanistan: 10.7% in 2003 – 12.9% in 2004;

Vietnam: 1.2% in 2003 – 15.1% in 2004;

Turkey: 15.1% in 2003 – 15.0% in 2004;

Iraq: 10.6% in 2003 – 6.3% in 2004;

Ethiopia: 20.3% in 2003 – 12.9% in 2004;

Serbia and Montenegro: 0% in 2003 – 2.3% in 2004;

Angola: 33.7% in 2003 – 17.9% in 2004;

Syria: 13.0% in 2003 – 11.8% in 2004.

New Immigration Law

On 1st January 2005, the immigration law will enter into force, with a new “Residence Act” replacing the Aliens Act of 1990. Additionally, the Asylum Procedures Act and other provisions will be changed in part.

The law will bring 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 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. FGM or forced marriages, but also child soldiers who fled the recruitment of guerilla groups 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 are especially that minors aged 16 and above are given the legal capacity to file an asylum application independently unfortunately remained unchanged in the Immigration Act.

The Immigration Act can be accessed in German at http://www.bmi.bund.de/nn_121852/Internet/Content/Common/Anlagen/Gesetze/Zuwanderungsgesetz,templateId=raw,property=publicationFile.pdf/Zuwanderungsgesetz.

POLAND

New program by Nobody’s Children Foundation and Polish Office of Repatriation and Aliens

On the basis of agreement made with Polish Office for Repatriation and Aliens since January 2004 Nobody’s Children Foundation has been involved

in the procedure of interviewing unaccompanied minors staying in the territory of Poland. The cooperation was launched as a result of introducing new regulations concerning aliens staying in the Polish territory.

Law on Providing Protection for Refugees Staying in the Territory of Poland that came into force in November 2003 includes an innovative regulation on procedure of admitting a refugee status to unaccompanied minors. The act obliges the state authority among others to:

- creating a special “friendly” conditions of minors interviewing
- guarantying the presence of psychologist during a minors interview
- preparing by psychologist an opinion about the interviewed minor’s psycho-health condition

According to a new law the interview should be conducted by the officer of Office for Repatriation and Aliens in the presence of guardian, legal representative, psychologist and person that may be appointed by a child himself. The minor should be evaluated considering his age, level of maturity and intellectual development and possible limited knowledge about a situation in his origin country.

The minors’ interviewing is being arranged in the premises of our Foundation with the participation of the Foundation’s psychologists.

SPAIN

The new draft legislation to be enforced next February 2005 is considered to impact negatively on durable solutions. According to the new Aliens’ Law Implementing Regulation children’s residence permits will not be renewed after turning 18.

SWEDEN

The approval percentage for unaccompanied children has decreased immensely. It used to be around 80 %, but in 2003 this figure dropped to around 50 % and until October this year to around 36 %.

UNITED KINGDOM

The High Court case of *Enfield* (30th September 2004) [2004] EWHC 2297 (Admin) provided further helpful judicial precedent in relation to the way in which age assessments should be approached by Local Authorities.

Although not specific to unaccompanied children, we would also like to highlight the worrying speech of Conservative party leader Michael Howard to the Conservative Party Conference in Bournemouth on

4 October 2004, in which he outlined his intention to withdraw the UK from the 1951 Convention if his party come to power

A new database for unaccompanied asylum seeking children was launched on 23 November 2004 by the Home Office in conjunction with Local Authorities. The National Register for Unaccompanied Children (NRUC) will track all unaccompanied children arriving and being accommodated in the UK, hold information on their case, photographic identification etc. The Government’s objectives in creating the tool appear to be to stop ‘abuse’ of the system (multiple presenting to authorities etc), to aid in reuniting separated asylum seeking children with family members, and to facilitate returns. The database will be accessible to Local Authorities and the Government only, requests for information from other sources can be made through the NRUC bureau.

Family reunification

FINLAND

The discussion about new Alien’s Act and family reunification of separated children is still going on. No decision has been made yet according to new law. It is to be seen if there will be changes in practice. According to the Alien’s Act family reunification of children who do not get international protection (de facto/refugee status) should happen where parents are found, although it can take place in Finland if it is in the best interests of a child. It is unclear still how much this would change the practice. E.g. it is still a question how this is linked to idea of returning separated children.

The Ministry of Interior appointed a working group to deal with issues connected to family reunification. Family tracing and the question of information sharing between different authorities is discussed. Results can be expected in the beginning of 2005, and maybe also some changes in the law later next year. The decision making body has repeatedly expressed its concern that not all the information relevant in decision making is shared – it is assumed that professionals taking care of children might often know something about the whereabouts of the parents of separated children but information is not given to decision making body due to regulations on concealment. Family tracing is done only for the child and on confidential basis by the Red Cross. New EU legislation (reception directive and definition directive) puts the responsibility of family tracing to

member states. It can be said that this brings pressure towards NGOs like Red Cross and ISS to increase cooperation with states in family tracing. The question of confidentiality should be discussed widely – do we want to keep up systems that are there for the refugees and not for the state.

Return

DENMARK

There has recently been increased media attention in Denmark regarding the fact that asylum-seeking separated children whose applications have been rejected are being returned to institutions in their country of origin if the authorities are unable to locate their parents or any other social network. Save the Children Denmark has received some referrals when the children or their guardians contact us. In the cases known to Save the Children Denmark there is a tendency towards the Danish authorities increasingly attempting to return children to institutions without the necessary protection; and their applications for asylum would appear to be rejected on somewhat arbitrary grounds. Save the Children Denmark will continue to monitor the developments in this area closely.

SPAIN

The Memorandum on return with the Moroccan authorities agreed on December 2003 continues to be contested by NGOs involved. The Memorandum 23/2003 intends to facilitate returns of minors to their country of origin, Morocco.

Trafficking

DENMARK

National Plan of Action

For almost one year Save the Children Denmark has argued that the Danish government ought to develop a plan of action for the protection of the rights of trafficked children in Danish custody and in connection with their possible repatriation. The increased awareness concerning the trafficking of children has meant that the government initiated a survey of the problem. This survey confirmed the findings of a report that Save the Children Denmark had issued earlier, i.e. that children are being trafficked to Denmark for the purpose of commercial sexual exploitation and to commit theft.

In response to this survey and renewed media attention, the Ministry of Social Affairs has now assured that efforts targeting trafficking in children

will be included in the already-existing plan of action targeting trafficking in women. Save the Children Denmark is carefully observing the developments in relation to this issue and continues to work to ensure that children's rights serve as the fundament for such a plan of action.

POLAND

Establishing Polish Contact Point on Unaccompanied Alien and Trafficked Children within Baltic Sea Regional cooperation

In June 2004 Nobody's Children Foundation was appointed Polish Contact Point on Unaccompanied Alien and Trafficked Children within Baltic Sea Regional cooperation. The basic responsibilities within the Point's task include:

- directing case-oriented questions from other countries in the co-operation to the relevant national authorities and agency and assist national authorities and agencies in finding relevant contacts in the other countries
- participate in, and on national level promote joint information gathering on unaccompanied and trafficked children
- drawing attention to gaps in legislation and in practices regarding care, assessment and rehabilitation of unaccompanied and trafficked children
- assisting in collecting information as found necessary and appropriate to the country's needs

In order to initiate cooperation on the issue of separated children in Poland and to develop a nationwide strategy to handle cases of unaccompanied children and child victims of trafficking, the National Contact Point on Unaccompanied Alien and Trafficked Children undertook efforts to build up a "coalition" of multi-disciplinary partners. On the basis of numerous consultations with UNHCR, IOM, Border Guards, Ministries, non-governmental organizations the idea of establishing in the up-coming months an inter-agencies working group has arisen.

Cooperation within Working Group on Polish National Program to Prevent and Fight Human Trafficking

The important step forward on the way of establishing "coalition" to improve the situation of separated alien children in Poland was fact of including in July 2004 the Coordinator of National Contact Point on Unaccompanied Alien and

Trafficked Children to the Working Group on Polish National Program to Prevent and Fight Human Trafficking existing under the authorities of Polish Ministry of Interior Affairs. On the basis of report by the Point's Coordinator on the situation of alien unaccompanied children staying in Poland and possible risk of trafficking, there was a decision undertaken within the Working Group to include the issue of children to the National Plan in 2005. There was a draft strategy developed within the Working Group on the ways of improving the situation of separated alien children in Poland and preventing their being lured into trafficking.

First training of government's representatives on human trafficking

In October and November 2004 there were two cycles of training on human trafficking for governmental representatives launched by Warsaw University and US Embassy in Warsaw. The lectures focused on both theoretical, historical and practical aspects of human trafficking. The participants had also an opportunity to familiarize with the situation of separated alien children in Poland and the possible risk of child trafficking.

Miscellaneous

The CHICAM project

CHICAM was an 'action research' project funded by the European Commission and co-ordinated by the Centre for the Study of Children, Youth and Media at the Institute of Education, University of London. The aim was to use media production and exchange as a research tool through which refugee and migrant children could represent their experiences of peer relations, school, family and intercultural communication through new media. In the context of increasing global migration, the rapid development of new communication technologies and concern about the specific needs of children these research areas were chosen because they represent key areas of policy concern for Europe.

Six media clubs were set up for refugee and migrant children (ages 10-14) in six European countries. The clubs met weekly after school hours over a year with some extra full days during school holidays. The clubs made videos and exchanged them on the internet. In each participating country, researchers and media educators employed by the project collaborated with youth workers and teachers, already working with the children. The clubs

became social centres as well as a place to learn about and make media. Using the internet a communications network was established to facilitate the sharing of children's media productions, in order to generate dialogues between them. www.chicam.net/partners/index.html

AUSTRIA

In October 2004 the NC Austria has been in Geneva to report to the UN Child Rights Committee. One main concern was the situation of separated children in Austria.

IRELAND

[Vacancy for the position of Separated Children's Officer](#), December 2004

The Irish Refugee Council (IRC) is currently recruiting a Separated Children's Officer. The post will be Dublin-based and on a two-year contract basis.

Applications (letter + CV, hard copy only – email/fax applications will not be considered) to:

The Recruitment Officer, The Irish Refugee Council, 88 Capel Street, Dublin 1

Closing Date for receipt of applications: 12.00 noon Monday 20th December 2004. Please see

www.irishrefugeecouncil.ie for further information.

[Citizenship Referendum & new legislation](#)

In March 2004 the Government announced its intention to hold a referendum on the issue of Irish citizenship. The 27th Amendment was passed on June 11th 2004, which resulted in the removal of the constitutional guarantee of citizenship for persons born on the island of Ireland other than those who have an Irish parent. Essentially this means that the Parliament has the power to legislate on Irish citizenship entitlements.

Following the referendum the Irish Nationality and Citizenship (Amendment) Bill 2004 was introduced. The Bill provides that children born to parents living in Ireland without restriction – including people with refugee status and people with leave to remain - will continue to be entitled to Irish citizenship. Children born before their parents' refugee status has been recognised may not enjoy the same entitlement.

SPAIN

Documentation of minors with residence permit which they have a right to according to aliens' legislation continues to be a problem. The problem

is compounded with the interpretation of age tests (wrist X-ray).

In order to avoid arbitrary documentation, relevant actors proposed new guidelines for actual documentation of unaccompanied minors in Madrid.

UNITED KINGDOM

Section 9 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, which allows for the termination of support for families who have exhausted their asylum application, will come into effect on 1 December 2004. A Commencement Order to that effect was placed before parliament on 16 November 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 this policy and will be following a number of these families to assess their experience of the process. This is to be published in March 2005 to coincide with the Government rolling implementation out to all Local Authorities.

Publications

A Fighting Chance.

The Save the Children Alliance 'Guidelines and implications for programming on children associated with armed groups and armed forces (CAAF)' stipulate that regardless of whether children associated with armed groups and armed forces are in combat roles or so-called support roles, Save the Children believes that children should not be used in war or other forms of armed conflict under any circumstances.

The purpose of this paper is to provide guidance to policy-makers, advocacy initiatives and field-based programmes. It offers a policy framework, drawing out some recommendations based on global lessons learned.

www.savethechildren.org.uk/scuk/jsp/resources/details.jsp?id=2299&group=resources§ion=publication&subsection=details

The United Nations Study on Violence against Children

[www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.68.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.68.En?Opendocument)

On 12 February 2003, United Nations Secretary-General Kofi Annan appointed Paulo Sergio

Pinheiro of Brazil as the independent expert to lead a global study on violence against children. The purpose of the study is to provide an in-depth picture of the prevalence, nature and causes of violence against children. It will put forward recommendations for consideration by Member States, the UN system and civil society for appropriate action, including effective remedies and preventive and rehabilitative measures at the national and international levels.

Europol publications are on-line at www.europol.eu.int/index.asp?page=publications&language including a 'serious crime overview' on trafficking in human beings – child abuse 2004

Integrating immigrant children into schools in Europe.

Eurydice, 2004, 100 p.
www.eurydice.org/Documents/Mig/en/migrants_en.pdf
How is one to ensure that all people can exercise their right to education, and that immigrant children are integrated as effectively as possible into the education system of their host country to counter the risk of drop-out and failure at school? The present survey describes the situation in 2003/04 at the pre-primary, primary and compulsory general secondary levels of education in 30 countries in the Eurydice Network.

The Icebreakers. Somali-speaking youth in metropolitan Helsinki with a focus on the context of formal education.

Anne Alitolppa-Niitamo. The Family Federation of Finland, The Population Research, 252 p.
More about the book and how to order at http://www.vaestoliitto.fi/english/information/information_frameset.htm

The book offers a theoretical background, mainly from an anthropological perspective, for the understanding of immigration-induced social change on an individual and family level. It also provides examples from real life based on the empirical material of the fieldwork among the Somali-speaking population in metropolitan Helsinki. The book delves into the special challenges of immigrants who migrate as teen-agers, and emphasizes that the notion of 'culture' is not enough for understanding their challenging situation.

Rapport med tilrådnig om tilsynsmodell for enslige mindreårige asylsøkere. Kristin Ingebrigtsen, Turil Berger & Linda Thorsen. Redd Barna, 2004, 74 p.

www.reddbarna.no/docs_tmp/Redd%20Barna%20Rapport_enslige%20mindreårige%20asylsøker.pdf

A report from Save the Children Norway with recommendations for supervision of reception of separated children, with English summary:

The first draft of a study upon the **“Criminality amongst unaccompanied minors of Moroccan origin”** has been made public. The complete study will take four years and this draft covers the review of the first year. The author of the study is David Martín, from Madrid’s Complutense University, the Department of Social Anthropology.

Att möta de ensamkommande barnen. Monica Brendler-Lindqvist. Rädda Barnen, 2004, 57 p.
www1.rb.se/Shop/Archive/Documents/3139%20Att%20möta%20de%20ensamma%20barnen2.pdf
Report from Save the Children Sweden with recommendations for reception of separated children.

The **Refugee Council's (UK) response** to the Government's consultation document 'Integration Matters: a National Strategy for Refugee Integration' is available from the Refugee Council online at www.refugeecouncil.org.uk/publications/pub007.htm#integration

Events

24 September, Madrid, Spain
Workshop on the **“Legal Protection of Separated Children”**.
Organised by Save the Children Spain and Universidad Pontificia de Comillas.

19-23 October, Sion, Switzerland
Child trafficking: a fatality? From field reality to better practices.
Organized by International Institute for the Rights of the Child & Terre des Hommes
www.childrights.org/site_en/index.php?content=seminaires/sem-2004-10.php

20-28 October, Finland
A **training seminar for guardians** was arranged by the Central Union for Child Welfare as a national activity of SCEP.

30-31 October, Melilla, Spain
4th National network meeting to promote protection of unaccompanied minors.

3 November, Brussels, Belgium
Freedom, Justice and Security for Separated Children?

Organised by Defence for Children International the Netherlands (DCI-NL), in co-operation with SCEP, Save the Children Brussels Office and DCI-Belgium.

www.defenceforchildren.nl/ariadne/loader.php/dci/nieuws/SCEPBrussel/

3-4 November, Madrid, Spain
Seminar **“Evaluation of the National Plan re. Sexual Exploitation of Children”**. Organized by Save the Children Spain.

17 November, Madrid, Spain
STC and AI Spain, the Spanish coalition to stop the use of child soldiers **released the “Global report 2004, Child Soldiers”**.

30 November, Finland
Red Cross, Finland, arranged a **seminar on family reunification** of separated children.

8-9 December, Helsinki, Finland
Expert meeting on asylum seeking children promoting closer co-operation on identification, age assessment, disappearances and family tracing regarding unaccompanied and trafficked children with a view on how to promote the best interest of the child.
Organized by Council of Baltic Sea States (CBSS) and the Finnish Ministry of the Interior. Results will be reported later on.
www.cbildcentre.info/

14 December, Madrid, Spain
One day **workshop on international protection of victims of trafficking and asylum**. Organised by UNHCR.

14-15 January 2005, Vienna, Austria
International conference on **Empowerment and Participation of Young Asylum Seekers**.
Organised by EPIMA.
For further information, contact Heinz Fronek at +43/1/5321291/11 or fronek@asyl.at

21-23 January 2005, Brussels, Belgium
Course on **EU Asylum Law and the Human Rights Obligations of the Member States**.
Organised by ECRE.
Further information: jchurchill@ecre.org

Statistics

AUSTRIA

Between January and October 2004 998 asylum-seeking separated children out of which 91 below the age of 14 were registered by the Ministry of the Interior. In additional 260 cases the authorities concluded that the applicants were adult.

Nigeria, Moldova and Georgia constituted the three main countries of origin for separated children compared to Russian Federation, Serbia and Montenegro and Nigeria for the overall asylum-seeking population.

(http://www.bmi.gv.at/downloadarea/asyl_fremde_nwesen_statistik/102004.pdf)

FINLAND

Arrivals or separated children seeking asylum January-November 29 2004:

Total: 116 (2003 total: 110); 94 boys; 22 girls.

Age: 0-6 years: 6; 7-10 years: 6; 11-14 years: 12; 15-18 years: 91; not known: 1

Main countries of origin: Somalia, Afghanistan, Angola, Congo DR and Iraq

GERMANY

According to statistics provided by the Federal Office for Migration and Refugees, the number of separated children under the age of 16 who applied for asylum was relatively stable during the last few years (2000 to June 2004); yet the share of separated children compared to the overall number of first asylum applications increased during the same period of time from 1.1% in 2000 to 2.4% in 2004.

	2000	2001	2002	2003	-June 2004
First asylum applications	78,564	88,287	71,127	50,563	18,682
Sep. children under 16 years	901 1.1%	1,075 1.2%	873 1.2%	977 1.9%	450 2.4%

During the overall period of time (2000 to June 2004) Afghanistan ranked first as country of origin (578 applicants), followed by Vietnam (447), Turkey (287), Iraq (221), Ethiopia (210), Serbia and Montenegro (202), Angola (194) and Syria (156).

SWEDEN

Number of unaccompanied minors seeking asylum (source: Swedish Migration Board):

2003: 561

2004 until 30/8: 253

Five top countries of origin:

2004 until 30/8: Somalia, Iraq, Afghanistan Serbia and Montenegro, and Burundi

Break down by age and gender:

2003: 2/3 16 years or older; 2/3 boys

2004 until 30/8: 72 % 15 years or older, 15 children under the age of 10; 141 boys and 112 girls

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