

# NEWSLETTER No 18

## Separated Children in Europe Programme

### September 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

### Programme Management Update

In addition to the changes in programme management noted in the June 2004 Newsletter, Ms. Marianne Borgen (Save the Children Norway) was selected as new Chair by Steering Committee members to replace Søren Pedersen who has decided to step down from his active involvement in the Steering Committee.

### Revised Statement of Good Practice

The third revision of the SCEP Statement of Good Practice (SGP) was published in September 2004 and will be disseminated widely following the upcoming joint UNHCR-NGO and NGO Network meetings in Vienna. Currently the SGP is available in English and (soon) in French. There are plans to translate it into other European languages. The SGP incorporates fundamental principles such as the best interests of the child, non-discrimination and the right to participate. Furthermore, it outlines good practice on such specific issues as identification, age assessment, family tracing, guardianship, interim care, the asylum and refugee determination process and durable solutions. It should be stressed that this is a living document, which reflects the dynamic

progression of human rights protection and issues particularly affecting separated children. The SGP is not an exhaustive listing of standards and good practice, but rather a framework for action and advocacy that we may continue to build upon in the future.

### Advocacy targeting new European Convention

The Council of Europe is in the process of drafting a new European Convention on Action Against Trafficking in Human Beings. SCEP staff contributed to the drafting of comments submitted to the Secretariat of the drafting committee by Save the Children. This statement is available on-line at:

*[www.savethechildren.net/alliance/where\\_we\\_work/europegrp\\_pubs.html](http://www.savethechildren.net/alliance/where_we_work/europegrp_pubs.html)*

The SCEP NGO Network partners are also lobbying their national representatives to ensure protection of the rights of trafficked children. More information on the drafting process can be found on-line at:

*[www.coe.int/T/E/Human\\_Rights/Trafficking/](http://www.coe.int/T/E/Human_Rights/Trafficking/)*

### SCEP Impact Evaluation

SCEP was last subject to an external review of its work in 2002 to coincide with the ending of a funding cycle. As part of the current work plan the Steering Committee feels that it is now appropriate to conduct a further external evaluation of the impact of the Programme in

the past two years. This aim was reflected in the grant application to the European Refugee Fund and funding has been received to commission this work. The evaluation is now underway and will address the impact that the Programme has had at both the national and European levels. The evaluation has three main aims: to summarize recent activities and assess their impact; to identify good practice and the activities or tools that have been most effective; and to examine structures and relationships that underpin the Programme's work. It is intended that the evaluation will serve as a key tool in fully informing the Steering Committee, national partners and donors of the actual impact of training activities, studies, analyses and assessments, advocacy, information and other activities that SCEP has undertaken since 2002.

### **The Asylum Seeking Child in Europe**

Conference in Gothenburg 24-25 Sept 2004  
Programme Staff and UNHCR representatives participated in this expert meeting reviewing the current legal framework, recent research and trends in the protection of asylum seeking child in Europe. For more information visit:  
[www.cergu.gu.se/Asylum.htm](http://www.cergu.gu.se/Asylum.htm)

### **New NGO and new NGO contact persons**

Nobody's Children Foundation has been identified as a new national NGO partner for Poland. Contact person is Agnieszka Morawska, [amorawska@fdn.pl](mailto:amorawska@fdn.pl)

New national NGO contact persons:

- Save the Children Romania: Bogdan Postelnicu, [rosc@mb.roknet.ro](mailto:rosc@mb.roknet.ro)
- Save the Children Denmark: Inger Neufeld, [in@redbarnet.dk](mailto:in@redbarnet.dk)
- Latvian Red Cross: Mairita Zadina, [mairita.zadina@redcross.lv](mailto:mairita.zadina@redcross.lv)
- Caritas Luxembourg:, Valérie Jadoul, [Passepartout@caritas.lu](mailto:Passepartout@caritas.lu)

### **New UNHCR Contact**

Ms. Kirsti Floor (Senior Regional Adviser, UNHCR Head Quarters) will replace Jacinta Goveas as the main UNHCR contact point for the SCEP. Her contact details are:  
[FLOOR@unhcr.ch](mailto:FLOOR@unhcr.ch)

## **Country News**

### Austria:

On June 16th the "shadow report" of the National Coalition (NC) was presented, compiled by different child rights institutions in addition to the official national report concerning the status of the implementation of the Convention on the Rights of the Child in Austria.

The "shadow report" lists the shortcomings and stipulates that the most disadvantaged groups in Austria are separated children and other refugee children.

In October the NC is invited to a pre-session meeting in Geneva with the UN Child Rights Committee. The rights of separated children will be one of the crucial issues.

### Belgium:

It seems that there are still less separated children who apply for asylum but still more separated children who apply for another kind of protection.

### Croatia:

A Task Force for the Suppression of Trafficking in Children has been established in June 2004 within the new National Committee for the Suppression of Trafficking in Persons.

Croatian NGOs compiled the complementary national report on the rights of the child. CSPI coordinated this process and participated in the pre-session working group of the UN Committee for the Rights of the Child. Both in the complementary report and in the pre-session the issue of inadequate accommodation and care for separated children has been raised.

In April 2004 citizens of a small town in North-West Croatia protested against the intended opening of asylum seekers centre in their local community. (Asylum seekers are currently accommodated in the Reception Centre for Foreigners near Zagreb, together with migrants who have not applied for asylum.)

50 persons (out of 108) accommodated in the Reception Centre for Foreigners, in the end of July provoked "public disturbance" which resulted in 6 slight injuries (5 Romanian citizens and 1 police officer) and material casualties.

#### Czech Republic:

The Czech Republic became the member of EU on 1st of May 2004. Since that date EU Directives are directly applicable in the the Czech Republic. The Asylum Act and the Alien Act reflecting new EU regulations are going to be passed in the Parliament in the nearest future. Evaluating the new proposals of the Asylum Act, only the minimum standards were incorporated.

A Counselling Centre for Refugees financed by UNHCR Prague is a pilot project for monitoring the situation of unaccompanied minors in detention centres and for legal and social counselling to these minors. The project started on 1st of August will run till the end of December 2004. The main aims of the project are to observe how the minors are informed about their rights and obligations, especially about the possibility to apply for asylum, as well as informing about the solutions of their individual cases and individual legal/social counselling.

The Counselling Centre, in cooperation with IOM Prague, is going to organise training on trafficking of children for the detention centre staff.

#### Germany:

The number of asylum seekers has dropped by 30% to a number of 18.682 applicants in the first half of 2004. Main countries of origin are Turkey, Serbia-Montenegro and Russia.

Recognition rate is 2,2 %.

Still no data for separated children are available.

#### Latvia:

Since May 1<sup>st</sup> EU regulations and directives are binding for Latvia. Work has started to harmonize EU legislation with national legislation also in the asylum field. Latvia is working now on ensuring standards of the Dublin Convention.

#### Romania:

Save the Children Romania has contributed to the elaboration of a training kit for the border police staff regarding the 'Access to the territory & refugee status determination procedures' and 'Rights of asylum seekers during the procedure'. The training kit includes a distinct theme on separated children seeking asylum in Romania within the chapter regarding vulnerable groups. The training kit

and trainings were organised as a partnership between the National Refugee Office, the General Inspectorate of Border Police, UNHCR and three active NGOs in the asylum field: ARCA, CNRR and Save the Children Romania. Save the Children attended the trainings organised in five counties between March and September 2004.

Romania has a national task force consisting of UNHCR, the National Refugee Office, the National Authority for Child Protection and Adoption, the Guardianship Authority sector 2, the Aliens Authority, the General Inspectorate of Border Police, 2 judges, Save the Children Romania, ARCA and CNRR (the last three being UNHCR implementing partners). The task force meetings on issues regarding separated children will continue to be organised by UNHCR and Save the Children. Priorities in 2004 are: specific forms of child persecution, sex and gender based violence, psychological assessments and child trafficking.

Two representatives of the National Refugee Office and the Romanian National Council for Refugees, an interview officer and a social counsellor, attended a study visit to Poland on best practice regarding separated children. The visit was organised under the Regional Competence Development Network Programme in August.

In July three representatives of the Save the Children Republic of Moldova were on a study visit to Romania, organised under the Regional Competence Development Network Programmes. The aim of a meeting with SC Romania was to apply the SC best practices for assistance to refugees and separated children to the activities of Save the Children Republic of Moldova.

#### Slovenia:

Due to Slovenia joining the European Union at May 1<sup>st</sup> 2004 significant changes are made to the Slovene asylum system such as implementation of accelerated procedures for manifestly unfounded applications and introduction of limitation of movement for asylum seekers.

A new asylum reception centre will be opened in autumn 2004.

The Project Against Trafficking and Sex and Gender Based Violence (PATS) was developed in the first half of 2004 as a joint project of UNHCR Representation in Slovenia, the Asylum Section of the Ministry of Interior, the NGO Association Kljuc and the Slovene Philanthropy. The key objectives are to introduce formalised mechanisms to identify, assist and protect victims of human trafficking and sex and gender based violence (SGBV) within the asylum procedures in Slovenia.

#### Spain:

Two organisations, Al Jaima and SOS Racismo, have carried out an investigation of returns of Moroccan minors to Morocco in order to monitor and report on 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. The investigation looks into any violation of the children's rights and the observance of the child protection legislation. The findings will be published in the autumn 2004.

Small boats keep arriving to the coasts of Spain with separated children among the passengers.

#### Switzerland:

In July 2004 the Federal Office for Refugees decided to extend, to the end of 2005, an aid programme for return of vulnerable groups from the Balkans – if the asylum application has been submitted before the 1st of July 2004.

The Federal Office for Refugees has launched an aid programme for July 2004 to June 2005 for voluntary return of asylum seekers from the Democratic Republic of Congo – if the asylum application has been submitted before the 1st of July 2004.

A proposal to ease naturalisation for foreigners brought up and educated in the country was defeated after 56.8% of voters opposed it. A separate proposal to grant automatic citizenship to the grandchildren of immigrants failed narrowly, with 51.6% voting against. Being born in the country will continue to be no guarantee of citizenship.  
<http://news.bbc.co.uk/2/hi/europe/3690668.stm>

#### United Kingdom:

Ideas Exchange on Guardianship for Separated Asylum-seeking Children in the UK (June 2004) – a national seminar under the SCEP 2004 national activities at which select invitees, including European SCEP members and UK government officials, with particular expertise in relevant fields met to discuss ideas related to implementing a guardianship system in the UK for separated children.

There have been regular meetings of the Refugee Children's Consortium at which child-interest organisations meet to discuss current issues pertaining to asylum-seeking children in the UK.

There have been regular meetings of the unaccompanied asylum-seeking children stakeholders at which the UK Home Office meets with representatives from local authorities, legal practitioners and the NGO community.

## **Legal and Policy Developments**

#### Austria

On the 1<sup>st</sup> of May 2004 the Grundversorgungvereinbarung (*maintenance programme*) for asylum seekers and other foreigners in need of protection and a new asylum act has come into force.

#### Belgium:

New legislation concerning the guardianship system has entered into force on the 1<sup>st</sup> of May 2004. Every separated child should be protected and helped by a legal guardian. The problem is that there are not enough persons who accept to be guardians because it is a lot of work and responsibilities and they are not well paid.

With this new legislation, the identification of separated children is no longer with the Alien's Office but is now with the Ministry of Justice. They are responsible for age assessments and they do apply the principle of the benefit of the doubt.

The guardian has to search for a durable solution which can be :

- go back to the country of origin but only in case family has been traced, the return could be safe, and it is in the best interest of the child;
- family reunification in a third country if a member of the child's family is in another

- country, if it is safe and in the best interest of the child;
- right to stay in Belgium.

The NGO network has organised training for the new guardians.

The Government is looking for an improvement of the reception centres for separated children. They are planning to create new specialised centres and a centre for the first reception where children would stay a few days or weeks until a more permanent solution is found.

Croatia:

A new Asylum Law came into force on 1<sup>st</sup> July 2004. The law uses the term “unaccompanied minor” to define “a foreign citizen under 18 who is not accompanied by his/her parents or guardian when entering Croatia, or who became unaccompanied by parents or guardian after entering Croatia” (art. 2). Full text of the Asylum Law is currently available only in Croatian.

In early September a Governmental Commission for the Appeal Procedures of Asylum Seekers has been established.

There is a possibility that the Law on the protection of victims of trafficking will be proposed by the end of 2004. This law would provide a special section on children victims of trafficking. (Information obtained from the Governmental Office for Human Rights.)

The Task Force for the Protection of Separated Children (constituted of representatives of Croatian Red Cross, Governmental Office for Human Rights, Caritas, Children’s Ombudsman Office, Ministry of Health and Social Welfare, Governmental Office for Legislation, UNHCR and the Centre for Social Policy Initiatives (CSPI)) is currently working on:

- Analysing the resources for temporary accommodation and care giving to separated children in the capacities of Croatian Red Cross (including the tolerance of the proposed local communities) in order to make the official proposal for changes in practice to the Ministry of Health and Social Welfare. Separated children are currently being accommodated in the

temporary accommodation units within institutions for children with behavioural problems.

- Drafting info material/ good practices resource for the employees of different services who come in direct contact with separated children.

Czech Republic:

The main change concerns the living conditions of the minors in the detention centres. The present situation was criticized by international bodies as well as by the Czech NGO working in the field. The aim of the new act is to “humanise” the conditions in the centres. A major change is that the centres are going to be run by the Refugee Facilities Department of The Ministry of Interior and not by the Police. The right to education and leisure activities for the minors is included. Unfortunately, after complaints and pressure by NGOs, the new proposal did not change a principal problem: the fact that minors between the age of 15 to 18 years old can be held in detention centres.

The Counselling Centre for Refugees, a NGO that is a member of The Committee for Rights of Children of The Government Council for Human Rights, initiated that The Committee requested the change of the proposal so that only aliens older than 18 years could be placed in detention centres.

Estonia:

On June 2<sup>nd</sup> 2004 the Estonian Parliament ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Finland:

The Alien’s Act has been renewed. There is one major change concerning those separated children who are not seen as refugees nor de facto refugees but get a residence permit (due to “individual humanitarian reasons”): family reunification for these children should take place where the parents are traced if it can be seen as safe to send the child there.

It is still to be seen how the law will be interpreted. And clarification is still need on issues as: What is safe enough? and how will the best interests of a child investigated and decided upon?

There are also changes on detention of children. Separated children cannot be taken in detention into police cells.

In general it can be said that the new law puts more weight on the principle of the best interest of the child.

#### Germany:

The Immigration Act was finally agreed on by the main political parties to become effective as of January 1<sup>st</sup> 2005. Improvements are included for girls, child soldiers and victims of non state-persecution. Detailed directives for the new law are not finalised.

#### Ireland:

A referendum to change the Constitution was held on 11 June 2004 where the majority voted in favour of a proposal in relation to the right of people born in Ireland to Irish citizenship. The effect of passing of the 27<sup>th</sup> Amendment was to remove the constitutional guarantee of citizenship for persons born in Ireland other than those who have an Irish parent or, at the time of their birth, one of their parents is entitled to be an Irish citizen, or a parent of that person has, during the period of four years immediately preceding the person's birth, been resident of Ireland for a period of not less than three years. The reasons for selecting this particular period of residency are not apparent, although the annotated Bill refers to this period being the same as the residency period for naturalisation of non-national spouses who are married to Irish citizens. The Nationality and Citizenship (Amendment) Bill is being drafted at present to bring these proposals into effect.

The habitual residence conditions introduced in May 2004 also mean that new asylum seekers will no longer receive child benefit, lone parent payments and disability allowance. This will present even more hardships for many asylum seeking parents.

#### Lithuania:

Procedures for reviewing asylum applications have been shortened from six to three months.

#### The Netherlands:

Dutch law on trafficking in human beings will be adopted with a broader definition of trafficking covering also trafficking for other purposes than sexual exploitation.

The Dutch government has annulled its previous policy under which separated children who have family members (up to the fourth degree!) living in the Netherlands were referred to those relatives for care. These children were categorised as 'supervised unaccompanied minors seeking asylum'. In practice, this meant that these children were no longer entitled to protection under the policy for unaccompanied minors seeking asylum. The family members in the Netherlands were considered as care takers both for the reception as well as in case of return of the child to the country of origin.

A new Identification Act will come into force from January 2005. It requires children from the age of 14 and above to be able to identify themselves with official documents.

#### Norway:

A new arrangement for legal assistance to asylum seekers has been approved by the Norwegian Parliament. The arrangement will give special attention to separated children.

#### Portugal:

Structural changes in the Administrative Procedure Law that entered into force in 1<sup>st</sup> January 2004 had a major impact on the asylum appeals procedure to administrative courts.

Administrative courts can now analyse not only the formal aspect but also the merit of the case. Also, the effect of a court decision is much more effective, because the administration must comply with what the court decision determines.

#### Romania:

A new law (no. 272/2004) regarding the protection and promotion of children's rights was adopted by the Romanian Parliament on the 21<sup>st</sup> of June 2004. Save the Children has since 2001 submitted recommendations and observations to the National Authority for Child Protection, the General Secretariat of the Government and the Parliament. However, the adopted Child Law does not mention the separated children who were granted conditioned humanitarian protection and some of its articles are not in line with the international standards. According to article 75 "a finally rejected separated child will be placed in a specialised institution until he/she

is returned to the country of origin if relatives are identified or to the country where his/her parents live” and in article 20 “if a separated child is identified, the child is placed in a specialised institution until the child is returned to the country of origin if relatives are identified or to the country where his/her parents live”. In both cases the provisions included in the Convention of the Rights of the Child (art. 3) and the EU Council Directive 2003/9/EC (art. 18) which refer to “the best interest of the child” are not taken into consideration.

The law stipulates that the legal representatives for separated children will be appointed by the Directorate for Child Protection instead of the Guardianship Authority and separated children younger than 16 years will be accommodated in specialised child institutions. Accordingly, the National Authority for Child Protection and Adoption should take action in this regard as the implementation of the law starts in January 2005.

Save the Children Romania considers this a major change concerning assistance to separated children. The National Refugee Office should ensure that the Directorate for Child Protection is prepared to take this responsibility in terms of specialised activities which should be initiated both with regards to the staff needed and their training as well as for separated children.

#### Slovenia:

An Integration Decree has been prepared by the Office for Immigration and Refugees as an important step to the development of an integration system in Slovenia.

#### Spain:

NGOs together with other social actors demand that the Instruction 3/2003 from the Director of Public Prosecutions and the Memorandum of December 23 2003 to be contested in order to eliminate them from the Spanish legal system. The Instruction 3/2003 relates to return of separated immigrant children older than sixteen years old who attempt to enter Spain illegally or who stay in Spain in an irregular situation and who are not considered to be abandoned.

#### Sweden:

The government has given the Migration Board the task to continue the education on interviewing asylum seeking children. The aim

is to have professionals with this expertise in every regional office of the Migration Board by July 2005.

The government has appointed a coordinator to carry out an investigation and propose suggestions on how to decrease the number of asylum seeking separated children with extreme stressful reactions.

#### United Kingdom:

Children’s Bill – this draft legislation is currently going through Parliament. It relates to children’s services in England and Wales, including the establishment of a Children’s commissioner in England (Wales, Scotland and NI already have these). It contains little that specifically relates to asylum-seeking or refugee children. Lobbying has (so far unsuccessfully) taken place to include an amendment to ensure the inclusion of refugee agencies in the new duty to make arrangements to ensure that their functions are discharged having regard to the need to safeguard children and promote their welfare (clause 8 of the Bill).

Asylum and Immigration Act (Treatment of Claimants, etc) Act 2004 was recently passed. Provisions particularly relevant to children are section 9 (dealing with the taking into care of the children of failed asylum seekers who do not co-operate with return) and Section 4 (creating the offence of trafficking people for exploitation).

The Government is currently re-drafting its guidelines to immigration caseworkers (Asylum Policy Instructions) on asylum-seeking children, in consultation with UNHCR.

The Home Office has made initial proposals for a returns pilot for unaccompanied asylum-seeking children, and is also apparently considering a private proposal to set up an agency (‘INTSWA’ International Social Work Agency), which would be likely to facilitate the UK in any such returns programme.

## **Practice**

#### Austria:

Because of the Grundversorgungsvereinbarung (GV) (*maintenance programme*) in some

parts of the country new accommodation facilities run by NGOs are funded to take over the responsibility to care for the separated children.

Some have already started their work, others will follow soon. Therefore, now there are more adequate places for minors available, than ever before. But still there is a huge lack of adequate accommodation and care.

Another problem is that some minors are not interested in living in protected institutions with strict regulations, because they have been used to live on their own.

Due to the GV for separated children the state pays 200 German lessons for each child. This is on one hand a significant improvement but still it is by far not enough. Especially in cases when separated children are illiterate or have hardly any school background, much more support would be necessary to ensure a successful learning process.

Due to the new asylum act all asylum seekers, including separated children, have to go to the reception centre Erstaufnahmezentrum (EAZ) after their arrival. They all have to go through an admission procedure, which can last up to twenty days.

First experiences show that most of the separated children are admitted to the normal asylum procedure. But they have to stay in the reception centre – sometimes for quite a long time, up to 6 months and in exceptional cases even longer – because there is no other adequate accommodation available.

Due to Austrian law (ABGB) there should be a guardian appointed if the parents are not able or not willing to care for the minor. In cases of separated children the Youth Welfare Agency has to ensure this. In reality, until now in Vienna the Youth Welfare Agency took over this responsibility only in exceptional cases – minors younger than 14 years. Some NGOs in Vienna have started to inform the court about all separated children they accommodate in their facilities and to ask the judge to check out who is the responsible guardian, in total about 100 cases. Most of the decisions are still pending.

#### Belgium:

Some NGOs working with separated children are tending to work more with lawyers to help them and sustain them in their job.

The new law on guardianship is expected to change many things in practices. The problem is a lack of sufficient guardians and all separated children are not appointed a guardian for the moment. The guardian has to be present at all interviews and this means that if there isn't any guardian, the entire procedure is blocked.

Improvements can be noted on more speedy release of separated children kept in closed centres at the border, and often the decisions are based on the European Convention on Human Rights or the Convention on the Rights of the Child. But still the Alien's office keeps children in closed centres and does not allow them to enter the country.

#### Czech Republic:

During the last two months the practice of dealing with separated children had changed. Employees of the NGO used to be appointed guardians. Now the Department of Social and Legal Protection of Children is, by court, appointed as guardian. This practise is problematic because the Act of Legal and Social Protection of Children (LSPCH) does not give any competencies to this Department for the asylum procedure. The staff of LSPCH does not have any experience or special education for work with separated children. Therefore, they are reluctant to fulfil the role of guardians for the asylum procedure. The Counselling Centre for Refugees in cooperation with the Ministry of Labour and Social Affairs initiated a discussion about who should be responsible for the social and legal protection of the child in the asylum procedure.

#### Ireland:

The last six months have seen an increased number of deportations of people who have been unsuccessful in their asylum claims. Although there are no figures available, anecdotal evidence suggests that a number of those who have been deported entered the state as separated children and have since turned 18.

#### The Netherlands:

At the end of 2004 there will be an evaluation of the AMA-campus – transit centres for separated asylum seeking children who are 15 years and older who have to return to their

countries of origin. Based on the evaluation it will be decided whether these centres are to continue or not.

Following the experience with an orphanage in Angola for return of separated children, a tendency can be noticed for the Dutch government to declare that adequate care is available in countries of origin.

#### Slovenia:

A comprehensive model for guardianship for separated children seeking asylum has been developed in strong co-operation between UNHCR Representation in Slovenia, Slovene Philanthropy and the Asylum Section of the Ministry of Interior.

#### Spain:

Guidelines on documentation procedures for separated children are being proposed to the Government in order to avoid arbitrary actions.

#### Sweden:

In 2003 only 45 % of the separated children got a decision to stay permanently by the Migration Board

#### Switzerland:

The Swiss government has now a well established structure for voluntary return of refugees, e.g. co-ordination between the cantonal and the federal levels and a special Division of Repatriation. Organisation of the returns has to be done by Swiss REPAT. Today preference is given to voluntary return and no more to the forced returns.

#### United Kingdom:

An increasingly large number of asylum-seeking children within family groups have been detained (AS03).

A National Register for Unaccompanied Children (NRUC) is soon to be launched. This will be a database of unaccompanied asylum-seeking, refugee and other migrant children designed to facilitate the protection of such children, by better enabling information-sharing between the Home Office and other restricted interested parties about which children are in the country, what their immigration status is, who is looking after them and where they are living.

Despite the *Hillingdon* judgement last year, relating to Local Authorities' support of asylum-seeking children – s.17 versus s.20 of the Children Act 1989 - response to the new regime has been sporadic and varied. Some Local Authorities continue to support children erroneously under the s.17 provisions.

The Association of Directors of Social Services (ADSS) has published new guidelines for social workers on age assessments for unaccompanied asylum-seeking children. At the same time, the Refugee Council estimates that rising numbers of unaccompanied children are having their age disputed by the Home Office, with about half those aged under 18 years old being challenged about their age.

The Refugee Council is currently conducting a wide-ranging review of their strategy, including the services provided to separated children. The Home Office is engaged in a public consultation about the National Strategy for Refugee Integration, and includes the following proposal for discussion: *help unaccompanied refugee children in particular to develop skills for living in the UK while maintaining links with their own national or ethnic communities; (Integration Matters: A National Strategy for Refugee Integration, Home Office - for response by Oct 2004).*

## Conferences, Seminars, Events

#### Austria:

In January 2005 EPIMA is organising an international conference on Participation and Empowerment of Separated Children to take place in Vienna. For more information contact Heinz Fronek +43/1/5321291/11 or fronek@asyl.at

#### Belgium:

The NGO network on separated children has organised several training seminars for the new guardians, for specialised lawyers for separated children and for social workers. More than 120 persons have participated in these training activities.

On June 3<sup>rd</sup> the NGO network on separated children organised a seminar on education of separated children. About 60 people attended. In a first part there were lectures on the possibilities for separated children to attend

school and the specific systems existing for these children. In a second part of the seminar there were 4 workshops discussing recommendations on education for separated children.

The same network is preparing to have a one day seminar in November on the first 6 months of the new guardian system. About 150 persons are expected to participate. The seminar will try to assess the new guardianship system: what has really changed and what should be improved.

#### Czech Republic:

Training on Structures for Assisting Child Victims of Trafficking, organised by IOM Vienna and IOM Prague for NGOs, service providers and legal practitioners, will be held in Prague on 7. – 8. October 2004.

#### Denmark:

Save the Children Denmark is arranging a tour October 7-8 to Hamburg, Germany for practitioners working with trafficked children in Denmark. The focus is to learn from the experiences and best practices of German NGOs and social services regarding the identification, stay and repatriation of children trafficked for the purpose of economic crime.

#### Germany:

Held:

National network meeting in Hofgeismar, April 21-23

Deutscher Jugendhilfetag in Osnabrück June 1-3

Network meeting in North Rhine Westfalia June 30

Participation workshop with separated children July 26-30

National Congress on International Children's Day September 17-18

Upcoming:

National network meeting in Magdeburg October 20-22

Network meetings on local and federal state level in most of the 16 states.

Lobbying activities in connection with the Immigration Act and the Child Welfare Act.

#### Latvia:

On May 26 2004 a seminar on "Sexual and gender based violence against refugees" was held for border guards, representatives from reception centre staff, Office of Citizenship

and Migration Affairs, staff from detention centre for illegal immigrants and representatives from NGOs. The main focus was on refugee women and children, especially separated children as they are extremely vulnerable to sexual abuse and other kind of violation.

Different training sessions were organised for school children on June 20 to celebrate Refugee Day. An exhibition of children's drawings "Safe house – safe asylum" was opened in UN house.

#### The Netherlands:

Dutch seminar "AMA's terug naar af" on the subject of return of separated children in the Netherlands, October 26 2004.

The European conference 'Freedom, Security and Justice for Separated Children? Emerging EU Asylum and Immigration Policy' will take place on November 3rd 2004 at the International Press Centre in Brussels. It is organised by Defence for Children International the Netherlands (DCI) in co-operation with the SCEP, Save the Children Brussels and DCI Belgium. For further information, contact Simone Bommelje, s.bommelje@defenceforchildren.nl

#### Romania:

A one day seminar for Guardianship Authorities and Departments for Child Protection will be organised by Save the Children Romania in partnership with UNHCR. Main issues will be appointment of legal representatives, psychological assessments and accommodation/durable solutions for separated children who were granted a form of protection. The seminar will take place on 28 September in Bucharest.

#### Slovenia:

Training of guardians for separated children was organised by Slovene Philanthropy April 19-21 2004.

Main subjects of the training: general review of the asylum and refugee issues, introduction to basics of the refugee law in Slovenia and introduction to international protection, the Separated Children in Europe Programme, presentation of the Statement of Good Practice prepared by SCEP, experiences and problems in Slovenia, trafficking of children, guardianship: different type, role and tasks of

guardians for separated children, workshops: role play, task of guardians, understanding of guardianship.

Lectures were given by representatives of Slovene Philanthropy, UNHCR Representation in Slovenia, the Office for Immigration and Refugees, Social Services, Asylum sector and the Centre for Foreigners. Materials used: UNHCR guidelines, Statement of Good Practice, summaries of relevant conventions, EU directives and Slovene legislation.

#### Spain:

Held:

8<sup>th</sup> Congress on Immigration: Minors and youth, new challenges. Universidad de Almería. 22-24 April 2004

European Seminar "Migrant Separated Minors in Europe". Organized by The Fundación Pere Tarrés (CONRED programme), supported by DAPHNE. Barcelona, May 2004

Upcoming:

Training Seminar "Legal protection of Separated Children". Organised by Save the Children Spain and Universidad Pontificia de Comillas. Madrid, 24<sup>th</sup> September 2004

4<sup>th</sup> National meeting to create a national support network for non-accompanied minors. Melilla, 30-31 October 2004.

Seminar "Evaluation of the National Plan against Sexual Exploitation". Organized by Save the Children Spain. Madrid, 3-4 November 2004.

#### Sweden:

Conference on Asylum seeking children in Europe. Gothenburg, 24-25 September. SCEP gave a presentation.

#### Switzerland:

Formation professionnelle continue a l'intention des responsables et du personnel du domaine de l'asile en suisse romande et au tessin, see [www.sbec.ch](http://www.sbec.ch)

October 19<sup>th</sup> to 23<sup>rd</sup> 2004: Child trafficking: a fatality? from field reality to better practice. Seminar in Sion, Switzerland, organised by the International Institute for the Rights of the Child and Terre des Hommes Foundation. <http://www.childsrights.org>

#### United Kingdom:

Student Action for Refugees (STAR), a network of young people and university-based student groups, have chosen unaccompanied asylum-seeking minors as their campaign focus for this academic year.

## **Publications**

#### Belgium:

The Ministry of Justice has asked the NGO Network to write a "practical guide for the guardians". This should include all legal and practical information which is necessary for the work of the guardians; it should be finished by the end of November 2004.

An NGO is finishing a practical guide for all social worker working with separated children.

#### Germany:

A very detailed "Clearing Reader" on standards and good practice for clearing procedures will be published on September 17. The reader is in German and can be ordered by e.mail: [bfv-umf@t-online.de](mailto:bfv-umf@t-online.de)

#### Ireland:

In June 2004 IOM Dublin launched a report commissioned by them entitled "Trafficking In Unaccompanied Minors in Ireland". The publication is part of a three stage project funded by the European Commission's STOP Programme. Based on interviews and contacts with frontline service professional, the study found evidence of trafficking and smuggling of children into Ireland for the purposes of both labour and sexual exploitation. South Eastern Europe and West Africa were the regions of origin of a number of the children concerned. The study reports that children - boys and girls - smuggles into Ireland has also been sexually abused. The study concludes with recommendation that certain issues be addressed, such as:

- More detailed reporting on child trafficking from the two status determination authorities;
- Staffing levels of social workers for children's services be increased to provide a child centered service to child victims;
- Provision of legal status to children who are not asylum seekers, refugees or resettled refugees;
- The accomodation of all children in designated childrens residential centres (this

has in fact been achieved since the study went to press).

Italy:

Enact – European Network Against Child Trafficking : a report on child trafficking – Bulgaria, Denmark, Italy, Romania, Spain, United Kingdom. Save the Children Italia Onlus, 2004.

<http://www.enact.it>

The Netherlands:

3<sup>rd</sup> report on trafficking in human beings from the Dutch national rapporteur on trafficking in human beings.

Ecpat Europe Law enforcement group: Joint East west research on trafficking in children for sexual purposes in Europe: the sending countries.

Unicef (in co-operation with Ecpat/DCI-NL): Research: Unseen and unheard, child trafficking in the Netherlands, follow-up of the research of ECPAT/DCI together with Unicef and Plan.

Norway:

Save the Children Norway will in October publish a report on legal supervising of separated children in reception centres.

The report ‘Asylum decisions on child applicants : report on 4-country pilot project’ by Kate Halvorsen, June 2004, is a pilot of the research project ‘Seeking asylum alone’.

The pilot project was designed to make a preliminary study comparing Austria, Germany, Norway and Sweden. The main aim of the pilot is to make a first collection of comparable raw data and produce preliminary findings in order to get a sense of issues, problems or trends in relation to both substance and method.

<http://odin.dep.no/krd/engelsk/publ/rappporter/bn.html>

A new report ‘Crossing borders : an empirical study of trans-national prostitution and trafficking in human beings’ is focusing on recruiting of women crossing national borders to prostitution in Norway. The report does not mention specific trafficking of separated children.

<http://www.fajo.no/pub/rapp/426/index.htm>

Portugal:

The Portuguese Refugee Council, PRC, has published ‘Solidarity action towards refugees’ that describes the work of PRC.

A protocol has been signed between the PRC and the public channel RTP2 to prepare and present a TV program on asylum and refugees.

Romania:

A leaflet on issues regarding separated children’ has been published by Save the Children Romania and will be disseminated to governmental staff working with separated children seeking asylum in Romania.

Spain:

Menores inmigrantes en Andalucía : la atención en los centros de protección de menores (Immigrant minors: Children Protection Centres). Defensor del menor de Andalucía.

A report on the situation of separated children in Spain, Menores no acompañados : informe sobre la situación de los menores no acompañados en España. By Ani Mason, Save the Children Spain. Updated version to be published in September.

Sweden:

Trafficking - a demand led problem? Part 1: Review of evidence and debates. By Bridget Anderson and Julia O'Connell. Save the Children Sweden.

Based on interviews with people who buy the sexual services of women and children in domestic work and prostitution in five different countries. These reports deal with the demand side of the trafficking process. This is part one of a two-part report and is only available as a free PDF file:

[www1.rb.se/Shop/Products/Product.aspx?ItemId=1176](http://www1.rb.se/Shop/Products/Product.aspx?ItemId=1176)

Whose children? Separated children’s protection and participation in emergencies. By David Tolfree. Save the Children Sweden, 2004. Can be ordered at [www.rb.se/bookshop](http://www.rb.se/bookshop)

Switzerland:

Mark Dottridge: Kids as commodities? child trafficking and what to do about it. International Federation Terre des Hommes, 2004. (ISBN 2-9700457-0-2)

[http://tdh.ch/cms/fileadmin/site\\_uploads/e/pdf/projekte/schwerpunkttbemen/DottridgeStudy\\_en.pdf](http://tdh.ch/cms/fileadmin/site_uploads/e/pdf/projekte/schwerpunkttbemen/DottridgeStudy_en.pdf)

The bi-annual Federal Office for Refugees publication 'Asylum' can be ordered free of charge from [www.bff.admin.ch/franz/publ2f.htm](http://www.bff.admin.ch/franz/publ2f.htm)

#### United Kingdom:

A report on SCEP Ideas Exchange on Guardianship for Separated Asylum-seeking Children in the UK (16 June 2004) has been published September 2004

A community for children? Children, citizenship and internal migration in the EU. By Louise Ackers and Helen Stalford. Ashgate, 2004. [ashgate@bookpoint.co.uk](mailto:ashgate@bookpoint.co.uk)

### **Web Sites**

#### Austria:

On [www.asyl.at/sommercamp04](http://www.asyl.at/sommercamp04) are pictures from the summer camp, which took place in August 2004 in Weissenbach am Attersee. About 130 separated children and 40 Austrian youth participated at this event. The event was supported by the SCEP.

#### Belgium:

The NGO network on "separated children's rights" has launched its new web site (a part of it is still in construction) [www.mena.be](http://www.mena.be). It contains information about the network, recommendations, a list of specialised lawyers, information for the guardians, useful addresses and several papers on separated children in Belgium.

The list of specialised lawyers now available on the web site mentioned above allows separated children themselves, or a friend or a social service to find very quickly a lawyer and ensure that all separated children have such a lawyer as soon as they arrive in the country.

#### Czech Republic:

Monthly statistics of new asylum applications submitted by unaccompanied minors are now available on the web site of the Czech Ministry of Interior on the address [www.mver.cz](http://www.mver.cz) - only in Czech language. Statistics will be available very soon also on the website of the Counselling Centre for Refugees at the address [www.refugees.cz](http://www.refugees.cz).

#### Estonia:

Estonian Ministry of Social Affairs: [www.sm.ee](http://www.sm.ee), English version also  
Estonian Ministry of the Interior: [www.sisemin.gov.ee](http://www.sisemin.gov.ee), English version also  
The Estonian Refugee Council: [www.estref.org.ee](http://www.estref.org.ee), English version also  
[www.vastuvotukeskus.ee](http://www.vastuvotukeskus.ee)

#### Germany:

The Federal Association for Professionals working with Unaccompanied Minor Refugees, Bundesfachverband UMF, will have a new website starting January 1st 2005: [www.b-umf.de](http://www.b-umf.de)

#### Italy:

For the Enact – European Network Against Child Trafficking: [www.savethechildren.it/enact/home.asp](http://www.savethechildren.it/enact/home.asp)

#### The Netherlands:

On [www.ifproductions.nl](http://www.ifproductions.nl) are stories of Angolan children who were returned to Angola.

#### Norway:

Norwegian Directorate of Immigration: [www.udi.no](http://www.udi.no)

#### Switzerland:

Jugendweb Bundesamt für Flüchtlinge: [www.webdesjeunes.asile.admin.ch](http://www.webdesjeunes.asile.admin.ch)

Bundesamt für Flüchtlinge (Federal Office for Refugees): [www.bff.admin.ch/franz/mainf.htm](http://www.bff.admin.ch/franz/mainf.htm)

The web site on trafficking, [www.childtrafficking.com](http://www.childtrafficking.com), has about 930 documents and covers more than 230 studies of about 105 countries in the field of trafficking, especially of children.

#### United Kingdom:

A website on refugee and asylum seeking children containing useful legal information is now available on the Children's Legal Centre site on [www.childrenslegalcentre.com/Templates/Internal.asp?NodeID=90033](http://www.childrenslegalcentre.com/Templates/Internal.asp?NodeID=90033).

A website focussing on the Scottish legal situation for this group is due to be launched later in the year by Save the Children and Glasgow University Centre for the Child.

## Statistics

'Trends in separated and unaccompanied children seeking asylum in industrialized countries, 2001-2003' was published in July 2004 by UNHCR Population Data Unit/PGDS. Available at [www.unhcr.ch/statistics](http://www.unhcr.ch/statistics)

For updated statistical information on arrivals of separated children seeking asylum as well as data on trafficking of children, please see next pages.

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### Statistics on arrivals of separated children seeking asylum in Europe by September 2004

If nothing else indicated, the numbers are A= Actual; Est.= Estimated; N/A= Not Available

Rec. country	Year	Total	Age 15-18	Males	Females	Main countries of origin 2004	Sources
Austria	2003	2049				Nigeria, Georgia, Gambia, Moldavia	Ministry of Interior
	2004 (Jan.-July)	903 <sup>1</sup>	618				
Belgium	2003	589 <sup>2</sup>				Congo, Guinea, Russia, Rwanda	Official web-site of the Aliens' Office <sup>3</sup>
	2004 (Jan.-May)	197 <sup>2</sup>					
Bulgaria	2003		99	96	3	Afghanistan, Iran, Nigeria	BHC
	2004 (Jan.-Mar.)	45	45	43	2		
Croatia	2003 (Jan.-Aug.)	71 A	66 E	61 A	10 A	Romania, Bosnia& Herzegovina, Albania, Serbia and Montenegro	Ministry of Labour and Social Welfare
	2004 (Jan.-Mar.)	25 E					
Czech Republic	2003	129 <sup>4</sup>				China, Vietnam, Russia, India, Moldova	The Ministry of Interior
	2004	50	45				
Denmark	2003	159	130 A	128 A	31 A	Afghanistan Somalia, Serbia- Montenegro, Iraq, Romania	Danish Migration Service
	2004 (Jan.-July)	66 A					
Finland	2003	110 <sup>5</sup> A	84 (age 14-18)	74 E	34 E	Somalia, Afghanistan, Angola, Congo D.R.	Directorate of Immigration
	2004 (Jan.-Sept. 15)	86	63 (age 17-18)	67	19		
Germany	2003	5000 E	4000 E	64%	36%	(2003) Vietnam, Serbia-Montenegro, Turkey, Iraq, Afghanistan, Angola	Federal Asylum Office
	2004	N/A					
Greece	2003	314	305			(2003) Afganistan, Iraq, Pakistan, Nigeria, Somalia	Ministry of Public Order
	2004 (Jan.-Mar.)	20 A					
Ireland	2003	724 <sup>6</sup>	298			Nigeria, Romania, D.R. Congo	East Coast Area Health Board.
	2004	390	123				
Lithuania	2003	22 A	21 A	12	9	Russia	Department of Migration
	2004	8	4	4	4		
Luxembourg	2003	108	103	99	9	Nigeria, Liberia	Caritas
	2004	100	96	85	15		

Rec. country	Year	Total	Age 15-18	Males	Females	Main countries of origin 2004	Sources
<b>Netherlands</b>	2003	1216				China, Somalia, India, Angola, Russia	Asylum Trends INDIAC
	2004	294					
<b>Norway<sup>1</sup></b>	2003	916 <sup>7</sup> A	77 % <sup>8</sup>	84 %	16 %	Afghanistan, Somalia	Directorate of Immigration
	2004 (Jan.-July)	248 <sup>7</sup> A					
<b>Romania</b>	2003	23	23	19	4	Somalia, Iraq, Afghanistan	National Refugee Office and Save the Children
	2004	13	13	8	5		
<b>Slovakia</b>	2003	705	3% E	657	48	India, Bangladesh, Moldavia, China, Afghanistan	Migration Office Ministry of Interior SR Estimated: SHC
	2004	16 <sup>9</sup>		16			
<b>Slovenia</b>	2003	42	39	40	2	Moldova, Bangladesh, Palestine, Turkey, Serbia and Montenegro, Albania, Algeria, Sri Lanka	Slovenska filantropija and Asylum section of Ministry of Interior, Center for foreigners
	2004	100	98	90	10		
<b>Sweden</b>	2003	561 A	65% A	65% E	33%	Afghanistan, Bosnia, Iraq, Russia, Somalia	Migration Board
	2004 (Jan.-Aug.)	253 A	72% A	65% E			
<b>Switzerland</b>	2003	N/A	1442	1246	196	2003: Guinea, Liberia, Iraq, Algeria	Federal Office for Refugees
	2004	N/A					
<b>United Kingdom</b>	2003	2800 <sup>10</sup> 3180 <sup>11</sup> 4753 (RCCP)	14-15 yrs: 25% 16-17 yrs: 58% <sup>12</sup>	67% <sup>10</sup>	33% <sup>10</sup>	Somalia, Afghanistan, Vietnam <sup>12</sup>	Home Office
	2004 (Jan.-June)	1310 <sup>13</sup> 1986 (RCCP)	14-15 yrs: 30% 16-17 yrs: 59% <sup>12</sup>	63% <sup>12</sup>	37% <sup>12</sup>		

<sup>1</sup> in 223 of this cases the authority didn't believe, that the minor is a minor

<sup>2</sup> Without children assessed as "plus 18" after the X-Ray (which did not, at that time, take the benefit of the doubt into account.

<sup>3</sup> [www.dofi.fgov.be/fr/1024/frame.htm](http://www.dofi.fgov.be/fr/1024/frame.htm)

<sup>4</sup> Unofficial sources have a number of 194

<sup>5</sup> The situation in accommodation is following: Of the 123 separated children living in group homes and family group homes 62 are waiting for the decision to their application, 40 have got a de facto refugee status and 18 a residence permit because of other reasons (not a refugee status meaning no right to family reunification of refugees), 3 have got a negative decision.

<sup>6</sup> Total Referrals to Health Board: 251 placed in care, 401 reunited with family in Ireland.

<sup>7</sup> Based on age stated on arrival

<sup>8</sup> Gave their age as 16 plus.

<sup>9</sup> Comment from Directorate of Immigration: The numbers show who stated to be under the age of 18 on arrival. After age assessment, the numbers look different and this is not reflected in this statistics.

<sup>10</sup> SG: Statistics provided by the Home Office at the Unaccompanied Asylum Seeking Children Stakeholder Group Meeting on 20 May 2004

<sup>11</sup> AS03: Home Office Statistical Bulletin, 'Asylum Statistics United Kingdom 2003'

<sup>12</sup> SG2: Statistics provided by the Home Office at the Unaccompanied Asylum Seeking Children Stakeholder Group Meeting on 2 September 2004

<sup>13</sup> AS04A: Home Office, 'Asylum Statistics: 1<sup>st</sup> Quarter 2004 United Kingdom'

<sup>13</sup> AS04B: Home Office, 'Asylum Statistics: 2<sup>nd</sup> Quarter 2004 United Kingdom'

### **Trafficking, available information by the end of September 2004:**

Croatia : In 2002 local social services reported to have indicators for trafficking in 5 cases of minor girls, some of them being Croatian citizens. IOM reports to have assisted 2 minor victims of trafficking since August 2002. Countries of origin: Moldavia and Romania

#### Denmark:

Through recent investigations of trafficking in children to Denmark, Save the Children Denmark has been able to identify two main areas of trafficking purposes.

The first group of trafficked children has been trafficked to Denmark for the purpose of sexual exploitation. Cases known to the media, the Danish authorities and NGOs have included at least eight girls since 1999. The girls have been from Latvia, Lithuania, Poland Romania, Russia and Nigeria.

The latest known case was in 2004, when a minor was discovered in a brothel in Zealand.

The other group is children where there is substantial evidence indicating that they are victims of trafficking for the purpose of economic crime (e.g. shoplifting and pick-pocketing). This group consists mainly of boys originating from southeastern European countries (mainly Romania) and is mostly located in Copenhagen. In the first half of 2004, Danish police had registered 25 children who were caught committing theft, where the police expect that ringleaders were responsible. In 2003, the number was also 25.

#### Estonia:

In 2003 research was carried out on trafficking of minors for sexual exploitation purpose. One case was recorded in 2002, a young girl from Latvia was trafficked to Estonia for sexual exploitation purpose.

#### Germany:

27 known cases in 2003 according to the Federal Association

#### Latvia:

One case with 17 years old Lithuanian girl who was trafficked to Latvia. Police received information about this case but did not succeed to find a girl as she disappeared before arrival of police.

#### Lithuania:

16 cases were registered in 2003 by the Missing Person's Family Support Centre as trafficking of Lithuanian girls

#### The Netherlands:

The Foundation Against trafficking in women has recorded 21 cases in 2003, of these are 18 cases of girls between the age of 15-18 from China, Thailand, Bulgaria, Romania and Nigeria.

The number of females between 15-18 that have been trafficked are only a tip of the iceberg. These are the girls who have actually come into contact with the police etc.

A research is conducted at the moment by ECPAT/DCI together with UNICEF and Plan Netherlands on trafficking and (sexual) exploitation of minors in the Netherlands. Attention will be paid to separated and migrant children.