

NEWSLETTER No 16

Separated Children in Europe Programme

January 2004

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***This summary has been prepared from publicly available sources. It does not necessarily reflect UNHCR's views, nor can UNHCR vouch for its accuracy.

Notes from the Editor:

2003 was a year of many changes for the Separated Children in Europe Programme (SCEP), particularly from the UNHCR perspective. Despite this, the strengths derived from the programme are valuable in the continued collaboration on the common issues of protection and assistance for refugee and asylum seeking children. Among these are:

- The achievements of the programme in terms of establishing the network with agencies, credibility viz a viz the authorities, and internal cooperation with the various sections within each organization;
- A formalized structure for close cooperation, which enabled all the agencies to work together.
- The preparation of specific products, such as the country assessments, as a collaborative process enabled the sharing of information and experiences.
- Some functions, such as training for Government, NGOs, border authorities etc. that UNHCR conducts and can benefit the NGO network as well.
- The newsletter, developed during the SCEP, is also an important connection with the programme and the network. It will be produced quarterly in 2004.

During the UNHCR/NGO network meeting, it was apparent that the programme structure had given all the participants a solid foundation to work with children and especially separated children. The concept of working within a network continues to be the most important way to maximize

resources and outreach, in the best interest of children. In Europe this is crucial, as the issues are spread out and there are several players responding to the concerns and needs of refugees and asylum seekers. The relationship with child protection NGOs is extremely significant as it is complimentary to UNHCR's expertise on protection and advocacy.

Products developed through the Programme continue to be important resource materials. The Statement of Good Practice offered clear guidance and had been accepted by several countries at various levels. It is being used as a model for other parts of Europe and even other countries in the world. The newsletter is a useful vehicle for sharing information on good practices, concerns, challenges and other information.

The challenge facing all of the network members (NGOs and UNHCR) is to draw on the strengths of the programme and to continue to work in the best interest of the children. At country level, the network of UNHCR, NGOs and Government should continue to cooperate together in addressing the protection concerns of refugee and asylum seeking children, UNHCR will participate in the preparation and dissemination of the new Statement of Good Practice and other materials; the newsletter will continue to be produced by UNHCR with input from all members of the network. UNHCR will also work with Save the Children Alliance to offer ARC training to members of the network who require it. This training programme offers facilitators, materials and funding to enable participation

of staff from NGOs, UN agencies and Government as well as UNHCR. It might also be possible to collaborate on projects together with support from the Europe Bureau. UNHCR will continue to participate in the annual network meetings.

As one member of the original steering group of SCEP said during the network meeting, the gains of the cooperation between the NGO network and UNHCR should continue. He shared experiences of challenges faced at the inception of the programme, in developing as a group and in dealing with the bureaucracy. Are we ready to take on the challenge again? To forge ahead together in the best interest of the children, despite changes in the formal structure? I believe so!!!!

Country Updates

Austria

1. Asylum Law Amendment (full-text unofficial translation att: www.unhcr.at). On 1 May 2004 the amendments to the asylum law will enter into force, which are among the most restrictive pieces of legislation within the EU. The various restrictions will also have a negative impact on the asylum claims of Separated Children. According to the new asylum law all asylum applicants will have to go through a "pre-procedure" in a reception center which should clarify, if a) the asylum application should be rejected due to Dublin or Safe Third Country Notions, b) the asylum application should be rejected as manifestly unfounded. An initial interview of the asylum seeker shall in all cases be conducted at the initial reception center within 72 hours at the latest.

While according to the current asylum law the locally competent Youth Welfare Agency is appointed as the legal representative upon initiation of the asylum procedure, the new asylum law stipulates that the legal counselors of the reception centers serve as legal representatives for Separated Children in their "pre-procedure". Another change within the new Asylum Law which is especially concerning for Separated Children is the refusal to permit the submission of new motives and evidence for flight at the appeal stage unless the case falls under one of four specified exceptions. The exceptions are: the facts of the case changed in a relevant way, the first instance procedure was deficient, the facts occurred after the first instance decision; the asylum seeker

could not raise the facts earlier due to a trauma which can be medically certified. Other personal as well as cultural barriers, such as shame or cultural taboos, which could especially be relevant for Separated Children, are not acknowledged.

2. Reception Standards: On 1 December 2003 the Austrian Federal Government and Provinces signed an agreement on the sharing of costs of accommodation and basic assistance for aliens residing in the Austrian territory. This agreement passed the Ministerial Council on 16 December 2003 and is pending decision-making process in the 9 Provincial Parliaments as well as in the Austrian Federal Parliament. It is due to enter into force on 1 May 2004. While the agreement provides for three different categories of accommodation for separated children with higher/lower care standard and it is hoped that it will finally solve the problem of homelessness of asylum seekers, it is yet unknown how and at which standard the different provinces will implement this agreement.

3. Gender based persecution: On 3 December 2003 the Austrian Higher Administrative Court (judgment No. 2001/01/0402-10) quashed a negative second instance asylum decision. A female asylum seeker had initially refused to provide information during the second instance interview as she was ashamed, later said she and her daughters had been sexually harassed but could not elaborate on the matter. She was later interviewed by a male decision maker. The Court held the second instance procedure was deficient since it, contrary to Austrian law, had not been continued by a female officer. With reference to the UNHCR Guidelines on Gender-related Persecution of May 2002 and the publication Feller/Türk/Nicholson, Refugee Protection in International Law, the Higher Administrative Court considered it self-evident - although not explicitly provided for in Austrian Asylum Law - that in cases of gender-based persecution the interpreter also had to be of the same sex as the asylum seeker in question.

Bulgaria

1. The UNHCR Representation has become an associated member of the National Council for Child Protection. The permanent members of the Council are all Ministries and State Agencies, involved in work with children. The presiding organisation is the State Agency for the Child Protection. The Council was established to meet the requirements of the Law on the Protection of the Child.

2. The State Agency for Refugees, UNHCR and Bulgarian Helsinki Committee (BHC) held discussions on the need for changes of the respective legislation concerning the Guardianship procedure and the application of medical examinations for the age assessment of unaccompanied minors.

According to an Agreement between the State Agency for Refugees (SAR), BHC Refugees and Migrants Legal Protection Program, as of 1 July 2003, a Lawyers room was set up at the State Agency for Refugees, currently funded by UNHCR, where BHC lawyers will provide consultations, free of charge, concerning RSDP and other related issues, and will also contact the SAR employees if needed.

Under the same Agreement asylum applications from separated children are not processed until the appointment of a BHC lawyer. Since the problem with the appointment of a guardian is pending thus far, the head of the SAR appoints the BHC lawyers, under Bulgarian law. Special instructions for conducting the asylum procedure of unaccompanied minors have been developed.

The Facility of the State Agency for Refugees has adapted a special section for the accommodation of unaccompanied minors and vulnerable asylum-seekers.

Denmark

In 2003 the migration authorities undertook age assessments of 31 separated children seeking asylum in Denmark. 24 were assessed to be older, aged 19-23, and 3 to be younger than they stated. Save the Children Denmark intends to examine this issue further, including to what extent the benefit of doubt is given. 133 additional age assessments have been carried out for minors applying for family reunification and 75 % of these have been assessed to be above 18. The applicants were primarily from Afghanistan, Iraq and Somalia.

Denmark, Norway and Sweden

From June to August 2003, 19 separated refugee children from Norway, Sweden and Denmark had an opportunity to strengthen their relationships with family and relatives in Somaliland. The children were living with their families during their stay and participated in different classes, e.g. history and culture in Somaliland, skills training like computers, etc. The Project: "Model of

Integration and Voluntary Return, Vocational Skills Training and Alternative Basic Education" was initiated by Save the Children Denmark, Norway, and Sweden in partnership with the Danish Refugee Council and partly funded by the European Commission. The project focused on two target groups of war-affected Somali children and youth - separated youth residing in Denmark, Norway and Sweden and youth residing in Somaliland. To obtain a copy of the mid term review of the projects, please contact Enlisa Khanna, Save the Children Denmark +45 35 24 85 36

Finland

The number of separated children entering Finland has increased, after a decline in past years. According to Directorate of Immigration 108 separated children (34 girls and 74 boys) left their asylum application in 2003 (in 2001 there were some 35 minors, in 2002 about 70). Of these 108 applicants 35 have received a decision – 3 of them negative. 66 will be interviewed in Jan 2004.

Some minors disappeared from the reception centres during the asylum process. In 2003 there were more cases reported missing than usually (10-15). Reception centres report these cases to the police, but they have probably been able to leave the country.

Countries of origin of separated children*

Somalia	35
Sierra Leone	12
Angola	12
Kongo D.R.	7
China	7
Iraq	6
Romania	4
Nigeria	3
Serb/Montenegro (Yugoslavia)	3
total.*	89

*only top 9 – all other countries less than 3 children. Source: Directorate of Immigration

In November 2003 Ministry of Interior released a report where some new suggestions were presented concerning administration of immigration affairs. Beside suggestions to decentralize some functions of the Directorate of Immigration from capital to different parts of the country, it was also suggested that the responsibility of the reception of asylum seekers should be moved from the Ministry of Labour to the

Ministry of Interior, more precisely to the Directorate of Immigration. Many NGO's among other actors oppose such a suggestion. There are mainly three reasons for this: 1) The double-role of the Directorate of Immigration is not seen as a good solution as the same authorities who investigate the applications also would take care of the applicants.

2) Reception is giving basic services as housing, health & social services to applicants – many of them families and children. The “police ministry” is not the best place to put the responsibility of arranging such services. In the Ministry of Interior the immigration affairs belong to administration of internal security, same as the police, rescue and guarding boarders.

3) The long time line in handling applications may become even longer if the tasks of the Directorate of Immigration are increased.

The reception of separated children has developed during last 10 years. There are many units that are specialised in the care of minors. There has also been considerable development in the asylum process, in policy as well as practice, especially after a special unit was established into Directorate of Immigration to investigate asylum applications of separated children (e.g. good guidelines on interviewing children). This development should not be endangered with suggested administrative changes.

Germany

The German policy has become more restrictive in relation to asylum in many federal states. As an example, in Hamburg the capacity of care institutions dropped from 200 to 25. The practise has changed in relation to children from Iraq and Afghanistan, as temporary protection for children from Iraq and Afghanistan is no longer given. Negotiations in the conciliation committee on New Immigration Law started in the beginning of October. Several national and international lobbying activities have been initiated.

Greece

UNHCR produced draft guidelines on the treatment of separated children (seeking asylum) in Greece. These guidelines are an adaptation of the SCEP Statement of Good Practice (the 2003 draft update) to the Greek context.

Ireland

1. In response to a parliamentary question,

the Minister for Justice, Equality and Law Reform confirmed that **two unaccompanied minors were among those deported** on 18th November 2003 on a chartered flight from Dublin to Bucharest. Their older brother who is physically and mentally disabled was also deported unaccompanied (by a relative).

2. IOM stated that assistance to unaccompanied children wishing to return would be delivered in consultation with parents, guardians, social workers, Department of Justice, UNHCR and other relevant agencies both in Ireland and in the home country, and will focus on the individual needs of each child, primarily in education and health.

3. In November 2003, a total of 32 young people who arrived in the State as minors but have since turned 18 were transferred from a hostel for minors to a direct provision adult hostel where they will be in receipt of €19.10 per week. No provision seemed to be made for continuation of their education (bus fares, lunches, space to study), even though many have been attending school for the past number of years and are hoping to sit the Leaving Certificate in June 2004.

4. The **Nwole judgment** was delivered in the High Court in October 2003. This case concerned deportation orders issued to a mother and her five children. The primary claim made on behalf of the children was that no application for asylum had been made by them or in respect of them and hence had not been refused by the Minister. It was held that Section 8(1) of the Refugee Act expressly gives the right to apply for asylum to a “person who arrives at the frontiers of the State seeking asylum in ... or ... the protection of the State against persecution”. A 'person' is not defined and is deemed to include minors. Every person - including a child - is entitled to have his / her claim investigated individually. As a result, the Court granted the children leave to issue judicial review proceedings on the grounds that the deportation orders were invalid, as the children were, on that date, not persons whose applications for asylum had been refused by the Minister within s.3 (2) (f) of the Immigration Act, 1999.

Italy

1. The new law on the Trafficking in Human Beings was approved in July 2003. This law responds to the need for harmonising national legislation, as expressed by the EU

and the UN, by introducing a definition of the offence of trading in persons into the Penal Code. The law sets out the following: specific definitions which allow for differentiation between offences for trafficking, for slavery and for servitude; the harshening of sentences (from 5-15 and 8-20 years, that can be increased by a third or a half in cases of very serious offences such as the removal of organs, prostitution and when the victim is under age); stronger protection for children, i.e. sentences are more severe if the victim is a minor; introduction of an offence for forcing children to beg and scavenge (5-15 years imprisonment); association with the intent of trafficking; the establishment of a fund for anti-trafficking measures into which confiscated sums will be deposited; co-ordination of investigations come under the authority of the National Anti Mafia Board. The new legislation is very important in that it clearly allows for a wide interpretation of "trafficking", including all forms of trading in human beings for the purposes of "exploitation". The law punishes intranational trafficking carried out at the national level with Italian citizens as well as international trafficking.

2. The new 2002 law on Immigration, provides new regulations on the issuing of a residence permit to separated children when they come of age, is being applied by immigration authorities. The law allows that minors with all the following characteristics are issued with a permit for the purposes of study or employment when they reach the age of 18: having not received a "repatriation order" by the Committee for foreign minors (the body that decides if a separated child must be returned to his/her country of origin or stay in Italy); having been in Italy for at least three years, i.e. having entered Italy before the age of 15; having been involved in a "social and civil integration programme" managed by a public or private institution with specific features for at least two years; - attending school courses, or working, or having an employment contract; having accommodation.

This regulation has somewhat improved the situation of separated children, as a number of minors do have the above requisites and can be issued a permit. However, the majority of separated children within Italian territory have entered the country after the age of 15, and are therefore unable to receive a permit when they turn 18 according to the new law. This has a serious impact,

according to some social workers. As families know that the only possibility of children legally remaining in Italy is linked to them having entered the country before the age of 15, they are encouraged to emigrate to Italy as young children, with serious consequences for their protection.

The Supreme Court made a ruling providing that minors that fail to meet the above requirements but have a guardian appointed can be issued a permit for study or employment purposes, when they reach the age of 18. However, this is not applied by most immigration authorities.

3. The rules for the enforcement of the new law on immigration and asylum are under discussion. The latest version of it provides that only children that have received a "no repatriation decision" by the Committee for foreign minors (i.e. cases where the Committee, after making investigations in the country of origin, decides that the child cannot be repatriated) can be issued with a permit for study or employment purposes at the age of 18; as very few children receive this, the consequence would be that a very small proportion of separated children would be allowed to legally remain in Italy after age 18; does not provide any specific guarantees for children seeking asylum; therefore the much more restrictive regulations (detention of asylum seekers, accelerated procedures, limited right to an effective judicial remedy in case of rejection) provided by the new law on asylum will also apply to children.

Advocating for separated children's rights, Save the Children Italy sent a letter proposing that the rules for the enforcement of the law provide that: children can be issued with a permit for study or employment reasons at the age of 18 even if they have not received a "no repatriation decision" by the Committee for foreign minors; and children seeking asylum must never be detained in detention centres.

In order to tackle the problem of separated children leaving the accommodation centres where they are placed, the Council of Turin has created a "protected centre" for exploited children (especially children under 14 involved in stealing or selling drugs), in which separated children can in fact be detained for up to 60 days, with no possibility of leaving, not even to attend school. During this length of time, the child is identified and family tracing in his home country is carried

out. The main aim seems to be repatriation. The Council of Turin has made agreements with Romanian and Moroccan authorities regarding identification, family tracing and repatriation and is going to create an accommodation centre in Romania where children without family could be placed subsequent to repatriation.

This is a pilot project, the legal basis of which is being questioned by a number of lawyers, judges and university professors, as under Italian law children cannot be detained for immigration reasons and children less than 14 years of age cannot be detained as punishment for committing a crime.

Luxembourg

Minor boys and girls have to accept to undergo medical examinations to determine their age. Caritas are fighting this practice.

The Netherlands

1. In September 2003 a round table discussion was held with parliamentarians, and NGOs and concerned individuals (asylum lawyers, professors) involved in the asylum field, in reaction to the report of Human Rights Watch.

2. The Dutch government funded a Reception centre in Angola, for unaccompanied asylum seekers, which opened in September 2003.

3. The Dutch NGO-report on children's rights was presented to the Committee on the Rights of the Child in October 2003. A Norwegian member of the Committee expressed concern about the judgement of 5 February 2002 by the Dutch Council of State's Administrative Law Division, in which the Division considered that the Convention on the Rights of the Child, in so far as directly applicable, does not allow for claims from children whose parents are not allowed residence under Dutch alien law and regulations. Since this judgement, numerous appeals to the CRC by 'illegal' children have been rejected by lower courts, referring to the judgement cited above.

The NGOs have made proposals for changes, which include: adjustment of the high fees for family reunification; authorities should examine whether a separated child can be granted a permit to stay on asylum grounds, more seriously; the burden of proof is different for children than for adults. The government (IND) should conduct more

investigations on the situation of the child, e.g. with the supervisor of the child between interviews and on the relationship between an unaccompanied child and a relative that is (already) living in the Netherlands. Further-more, all officials involved in hearing children's cases should receive special training. Questions should be tailored to the child's developmental level and experience. Legal aid providers should be qualified and /or trained in working with young children. The asylum requests of minors should not be processed in the accelerated procedure (within 48 hours) but they should be allowed time to rest and acclimatise, in order to be properly prepared for their asylum interviews.

Unaccompanied minor asylum seekers should be offered the same possibilities in health care as Dutch children. Separated children and young adults should not be held in detention centres but should be sent to reception or to special care centres where the further procedure can be prepared. The collarbone method of age investigation should be discontinued. Guardians should be able to spend more time with their charges. A child arriving or present in the Netherlands without a legal representative should be considered a separated child and under the special care of the Dutch authorities.

Norway

The Directorate of Immigration reported an increase in the number of children arriving with parents who subsequently surface as separated children, after the parents abandon them in Norway. Ministry of Local Government and Regional Development has focused on extra competence building in seven municipalities for settling separated children. Save the Children Norway (SCN) criticised the authorities for discriminating against separated children by not applying the same legislation for them as for other children in Norway with no parental care. The interdepartmental working group on separated children, headed by Ministry of Local Government and Regional Development (MLGRD) published its proposals. In Save the Children Norway's (SCN) submission on the proposal, SCN pointed out that the working group sees separated children first and foremost as asylum seekers, which affects their proposals. SCN also pointed out that the working group should have been more

focused on the ongoing work regarding separated children: the incorporation of the Convention on the Rights of the Child, the revising of the Law on Guardianship and the Law on Aliens, the resolution from the parliament to consider separated children in light of the Law on Child Welfare as well as other changes in regulations made by MLGRD and the Directorate of Immigration.

Portugal

There has been a substantial decrease in the number of applications since the end of the civil war in Angola and Sierra Leone and because of the border control measures undertaken by the authorities after the 11 September attacks in the U.S.

Spain

The relevant Spanish authorities (*Fiscal de Menores*) issued new interpreting guidelines (*Instrucción nº3/2003*) last October 23, 2003. According to these guidelines, a foreign unaccompanied minor aged 16 or over in Spain is considered to be emancipated from his parents, and therefore not in need nor entitled to special child protection. UNHCR Madrid is concerned that this interpretation is contrary to the letter of the CRC, articles 2 and 3 in particular. It is also of the opinion that this interpretation is inconsistent with other Spanish constitutional/children/alien's provisions.

2. Spanish authorities signed a new Memorandum of Understanding with the Moroccan authorities on 23 December to facilitate and expedite the repatriation of Moroccan minors. (The majority of minors in Spain are Moroccan citizens).

3. On a more positive note, the Spanish High Court has used the UNHCR position that considers recruitment of a minor persecution in the sense of article 1A of the 1951 Geneva Convention literally in order to grant refugee status to an asylum seeker whose claim had been rejected at the administrative stage. (Upon request, the court was provided with a written statement including both country of origin information and UNHCR's opinion on the case).

4. Another positive development is that the Spanish branch of the International Refugee Committee (IRC) will be taking up the referred UAM cases in order to follow up and ensure adequate protection of unaccompanied children before the asylum office.

A new Immigration law concerning concrete measures on security, domestic violence and social integration of immigrants has come into force in September 2003. (*Ley Orgánica de 29 de septiembre 2003 sobre medidas concretas en materia de seguridad ciudadana, violencia doméstica e integración social de inmigrantes*). This law modifies some of the articles of the Spanish Penal Code, i.e. 318 bis concerning illegal human trafficking. This new article increases sentences when the traffic involves children.

United Kingdom

1. The Asylum and Immigration Bill of November 2003 significantly restricts asylum appeal rights, which it is feared will result in bad decisions going undetected and children being returned to countries where they are at risk of persecution.

Families also face destitution under proposals in the Bill to withdraw all support from families whose claims have failed. A support option may be for the family to be separated and for local authorities to take responsibility for the children. In responding to recent questions from a parliamentary committee, the Home Office Minister Beverley Hughes admitted that this would not be in the children's best interests. In addition, the Bill provides for harsher penalties for those traveling without valid documents and for 'tagging' of asylum seekers. Age disputed separated children would fall foul of these measures.

The Bill also gives an opportunity for the Government to increase protection for refugee children and specifically to respond to recent concerns raised by Her Majesty's Inspector of Prisons about the current policy of detaining children. However, this opportunity has been overlooked and refugee and children's charities feel that risks are increasing for refugee children.

Link to first report on the Bill:

<http://www.publications.parliament.uk/pa/cm/200304/cmselect/cmhaff/109/10902.htm>

2. Returns: The Home Office is currently drawing up a framework for the return of separated children with the aim of starting a return programme by spring/summer 2004. Children from Albania, Kosovo and Macedonia will be targeted in the pilot phase of the return project. NGOs are very concerned about this change in practice and

feel that the child's best interests are not being taken into consideration. The development of this pilot has reopened the debate on the need for guardians for separated children, to ensure their best interests are respected.

3. Interviews: The Home office undertook a pilot project to interview separated children seeking asylum. Previously it was not practice in the UK to interview children. Some NGOs have expressed concern about the pilot as they feel it is part and parcel of a fast track return scheme. Children who come from countries listed as safe countries of origin are being targeted for the pilot. Applicants from these countries risk having their claims certified under UK law, which results in the non-suspensive effect of their appeal. At present this is not the case but it has not been ruled out for the future. Concerns have been expressed regarding the lack of clarity about the role of the attendant 'responsible adult', which may leave the child at risk of being inappropriately returned.

Conferences/Meetings/Events

Oct 7-8 & 23-24, 4-5 Dec., seminars for social workers on asylum issues in Latvia. 'Separated children' was one of the topics of the seminars.

Oct. 8-10: ECPAT: Trafficking II expert meeting in St-Petersburg.

Oct. 8-10: The biannual conference of the Bundesfachverband-umf in Bad Segeberg on separated children. Documentation available in March 2004 on the website: <http://www.bundesfachverband-umf.de/>

Nov. 12: Unaccompanied Asylum Seekers – planning for better health and social care outcomes – one day conference in London.

Nov. 12 & 13: The Association for the Social Support of Youth "Arsis" held a National Symposium on in Athens on "Trafficking of Children - Solutions Now". The Symposium was an initiative of the "Nathalie's project", a pilot started in April 2002, which represents a common initiative of two NGO's Arsis and Terre des Hommes. The aims of the project are the support of trafficked children and the establishment of a stable mechanism for detection, protection, assisted voluntary return and rehabilitation of children-victims of

trafficking between Albania and Greece, in co-operation with responsible authorities and NGO's.

Nov. 24: Tackling the Trafficking of Women and Children - An interagency approach. A one day conference in London. Visit www.capitaconferences.co.uk

Nov 28-29: the national network of NGOs working with separated children met in Madrid.

Dec. 2: Save the Children Norway, in co-operation with our partners the Municipality of Oslo and the Norwegian Refugee Council arranged a seminar on "Trainee travel to countries of origin", based on our experiences from two such projects for separated children to Somaliland and Sri Lanka.

Dec. 2-3: As a follow up on the CBSS (Council of the Baltic Sea States) initiatives on Unaccompanied and Trafficked Children crossing borders in the Baltic Sea Region the 1st meeting of the National Contact Points (NCP's) in Stockholm was held. The overall aim of the NCP's is to facilitate regional contacts by making the national network available to all the other countries within the co-operation. The 14 National Contact Points are instrumental in this process and thus a natural point of departure regarding enhanced regional co-operation. The need for co-operation and coordination between the several different ministries involved e.g. the ministry of interior (police, border guards,) migration, social welfare and education on issues in relation to preventive measures, reception, rehabilitation and reintegration of unaccompanied and trafficked children, is evident.

Dec. 12 & 13: The European Prospective (NGO) conducted a training Seminar "Separated Minors, refugees and migrants in Hellas", in Athens.

Dec. 18 - 20: The Association for the Social Support of Youth "Arsis" and Volontariato Internazionale per lo Sviluppo (VIS) held an International Seminar on "Minors Victims of Trafficking: interact to prevent; interact to protect - the case of Albanian minors", in Rome.

Publications and Web-sites

- UNICEF studies child prostitution at the Czech/German border: A book sponsored by UNICEF/Germany was published on the extensive child prostitution activities along the Czech/German border. This is the first detailed picture of the commercial sexual exploitation of children in that region, heavily frequented by German sex tourists. It shows the scale of the business and the conditions in which its victims live.

- "Children and Youth on the Front Line: Ethnography, Armed Conflict and Displacement" has been published by Berghahn Books. Written by Jo Boyden and Joanna de Berry. 2004. Vol. 14 of the Migration and Refugees Series. ISBN 1-57181-883-9.

- "New Asylum Countries? Migration Control and Refugee Protection in an Enlarged European Union". Rosemary Byrne, Gregor Noll and Jens Vedsted-Hansen, ed. Reviewed by Delphine Nakache and François Crépeau, pp. 445-446
http://www3.oup.co.uk/refuge/hdb/Volume_16/Issue_04/160445.sgm.abs.html

Denmark: Kim U. Kjær, *Flygtning i Danmark – En kommenteret introduktion til det danske asylsystem, Danmark (Refugee in Denmark – A commented introduction to the Danish asylum system)*, Akademisk forlag 2003. A book about how Denmark treats applicants for asylum and refugees. The book provides a general introduction to the Danish asylum system with a broad, accessible survey of the rules on the area, illustrated by a number of examples of routine practices in the asylum system. (In Danish).

Save the Children Denmark, *Trafficking in children to Denmark*, 2003. According to this report from Save the Children Denmark, children from Eastern Europe are being sent to Denmark, where they are forced to commit crimes and used for prostitution. Even though the number of cases in Denmark is relatively modest, the study indicates that there is a great risk that it happens to more children than officials are aware of. However, children are not able to obtain protection in Denmark because the Government's action plan to combat the trading of women encompasses - as the name suggests - only women and is solely concerned with sexual exploitation. It does not take into account the fact that children may be victims of trafficking as well. Despite

the fact that Denmark, through international conventions, has actually committed itself to protecting the rights of children, there are no guidelines that determine how these children should be helped. The action plan should include the trafficking of children and focus on all aspects of trafficking and should explain how police and social authorities can identify the children. Furthermore, the period in which the children can stay in Denmark from the point when they have been found by the authorities should be extended to six months instead of the 15 days that currently applies. This would make it easier to find alternative options for the children in their home countries in order to break the trafficking circle.

The report can be found in English at Save the children Denmark's website <http://www.redbarnet.dk/> or ordered from Inger Neufeld in@redbarnet.dk.

Germany: Dr. Erich Peter "Völkerrechtliche Rahmenbedingungen beim Kinderhandel in Deutschland unter besonderer Berücksichtigung der UN-Kinderrechtskonvention" (see website of Terre des hommes).

Lithuania: Report from NGO Conference on Separated and Trafficked Children in the Baltic Sea Region - Best Practice and Co-operation. Vilnius 14 - 16 September 2003. The conference was a response from the NGO community to one of the commitments made at a governmental conference in Stockholm in February 2003, on the importance of involving NGOs in the struggle against trafficking in children, and in finding appropriate solutions to the problem of separated children crossing borders in the Baltic Sea Region. The aim of the conference was to strengthen the national as well as international co-operation between different NGOs in the region working with Separated and Trafficked children. The conference was attended by 90 participants from more than 50 NGOs representing nearly all the Council of Baltic Sea States (CBSS) countries, Moldova, Ukraine, Belarus, Italy, Albania, Bosnia-Herzegovina and Romania.

Hard copies of the report are available from Save the Children Sweden. info@rb.se or 46 8 698 90 00 or in PDF format from: <http://www.childcentre.baltinfo.org/projects/traffickin/dbaFile10894.html>.

Slovenia:

- *Young and Alone in Exile and Repatriation: Unaccompanied Children Living in Slovenia.* The research encompassed experiences of around 150 children.

- *Unaccompanied Minors in Central Europe.* MRF Budapest, in partnership with Menedek (Hungarian Association for Migrants), has conducted a research study on unaccompanied minors in seven Central European countries: Bulgaria, Croatia, Czech Republic, Hungary, Romania, Slovakia and Slovenia. The country report for Slovenia was prepared by Mirovni Institut with help of IOM Ljubljana. The final report will be published as a book.

- *Report on the situation of refugee children in Slovenia* by Anica Mikuš Kos and Vahida Huzejrovi for Slovene Philanthropy concentrate on the traumatised refugee children from Bosnia and Herzegovina, and Kosovo, on psychological and psychosocial assistance for refugee children in Slovenia, and on day-to-day life;

- Comments on the Second Periodical Report of Slovenia on the Implementation of the Convention on the Rights of the Child is available on ww.seecran.org/main/main.htm.

Sweden

The Swedish Migration Board has published a new report on Separated Children who disappeared while their applications for asylum were being processed in 2002 in Sweden. In 2002, 550 separated children arrived in Sweden, the majority of them (2/3) being boys, over 16 years of age upon arrival. In the report the Migration board concludes that 103 of these children disappeared. 20 children returned after a while. The migration board personnel claim to be aware that in about 20 other cases, the children have applied for asylum or already had asylum in another EU-country. While researching these cases, the board found that in 11 cases there was concern that they had been trafficked. The research concluded that some of the procedures within the migration board, police and social system need improvement to provide better protection for children. As a result, staff of the board and the police has been provided with new instructions. Duties of Social Services have been extended to include deciding where the youth can stay while the applications are being processed. The report in Swedish from:

<http://www.migrationsverket.se/swedish/verket/skrivelser/barnrapport.pdf>

United Kingdom

The Joseph Rowntree Foundation has published a review of service provision for asylum-seeking and refugee children in the UK. *Working with Refugee Children* identifies gaps in present knowledge and presents a research strategy to meet some of these gaps. The report, in PDF format is available free at: file://www.jrf.org.uk/bookshop/details.asp?pubID=560. A paperback version is also available, priced £9.95 plus postage and packing and can be ordered online from the Save the Children UK website, or direct from our distributor: York Publishing Services, 64 Hallfield Road, Layerthorpe, York YO31 7ZQ, England

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Programme Update

Funding:

The SCE Programme will receive grant funding from the European Refugee Fund for the programme activities December 2003 to November 2004. The activities will mainly focus on issues of reception of separated children and the participatory approach will be further developed. An impact evaluation of the programme will also be undertaken.

Empowerment of Separated Children

During the summer and autumn, pilot activities on empowerment of separated children took place in Italy, Austria, The Netherlands and Sweden. In Italy and The Netherlands videos/DVDs have been produced documenting the activities. Documentation of the Austrian activities can be accessed at: www.splash.jugendserver.at. A comparative evaluation of methods and experiences is being finalised.

NGO/UNHCR seminar and NGO Network meeting November 2003

The Programme had a joint seminar 6-7 November in Brussels. Issues on the EU Directive on reception were addressed through introductions, workshops and discussion. Developments in EU policies were discussed during a debate session with participation of Sandy Ruxton, author of the report, and Isabelle Gaudeul-Erhart, European Commission, Asylum and Immigration Unit. Finally future programme co-operation was addressed.

The NGO Network had a meeting 7-8 November that covered exchange of information and experience, future strategy and work plan, presentation of participatory activities with separated children in Italy and the Netherlands and workshops on the approach, discussion of return policy and revision of the Statement of Good Practice.

Two new reports: The programme published two new reports in Nov. 2003. Both these extensive and analytical reports are highly relevant to politicians, policy makers, practitioners and other interested parties currently working in Europe with separated children.

1. "Separated Children and EU Asylum and Immigration policy" by Sandy Ruxton aims to provide a readily understandable study of both the policy changes affecting separated children, which have occurred at EU level since 1999, and the further changes that can be anticipated within EU asylum and immigration policies. The report primarily examines Commission legislative and policy proposals and Council Directives, though national developments are referred to where particularly relevant. It makes both general and specific recommendations on how these policies should be improved to more adequately respect separated children's rights. In light of impending EU enlargement, the report also highlights relevant EU policy developments as they affect EU accession and associated countries.

2. 'Separated Children in Europe: Policies and Practices in European Union member states: a Comparative Analysis' by Terry Smith focuses on the changes in law, policy and practice within European Union member states, since 1999. Its main source material is a number of updated national assessments within EU countries, which examine the reception, and responses to separated children in these states. The information was gathered by means of responses to a questionnaire based on the SCEP Statement of Good Practice. In preparing the updated assessments the Programme partners were asked to consult directly with separated children and the report seeks to incorporate their views into the text. Finally the report outlines the current situation relating to trafficked children and the responses to their needs across Europe.

Both reports were funded by the European

Refugee Fund. They can be found on the programme website:
<http://www.separated-children-europe-programme.org/Global/English/Publications.htm>. Further copies of the reports are available, free, from Save the Children Denmark, Rosenorns Alle, DK-1634, Copenhagen V, e-mail: in@redbarnet.dk.

Upcoming NGO Network seminar
The SCEP NGO Network will have a meeting March 4-6 to follow up on the November meeting and deal with detailed planning for the 2004 activities.

New NGO contacts

Hungary: Ms. Julia Demeter, Oltalom Charity Association.
Lithuania: Ms. Dale Kabasinskaite, Save the Children Lithuania.
Slovakia: Ms. Marta Mašková, Slovak Humanitarian Council.
Spain: Ms. Maite Pacheco, Save the Children Spain.
United Kingdom: Helen Johnson, The Refugee Council.

Note from Jacinta Goveas:

1. Kayo Kasai: UNHCR Bureau for Europe has a new intern, Ms. Kayo Kasai, from the Monterey Institute in California, USA, for 6 months – until July 2004. She will be working specifically on children's issues.

One of Kayo's first tasks is to update the document: "Best Models in Dealing with Separated Children Seeking Asylum in Europe". This document will be an important resource for us in our work. Many of you were deeply involved in the first drafts and are very familiar with what is contained in the paper.

Kayo would appreciate your assistance to enable her to complete this document and send it out to you very soon. Her e-mail

address is KASAI@UNHCR.CH. She would love to hear from you.

2. The Network Newsletter: The Newsletter will be issued quarterly in 2004, as of the first week of April. Please send in your contributions by 20 March 2004. Any information pertaining to developments (positive or negative) regarding all children in need of protection, especially refugee and asylum seeking children are newsworthy, including new statistics, legislative/policy developments, particular cases of concern, new case law, upcoming events, new publications, advocacy initiatives and networking ideas and practices are welcome.

grounded in community work in refugee-receiving countries. After their assignment, deployees return to their home community or NGO context. They are able to use their new experiences and insights to increase awareness of UNHCR work, and the participation of NGOs and governments in it.

A full description of the application process, including qualifications and documentation required, is posted on the UNHCR website, and the ICMC website. Applications should be sent to: winter@icmc.net

News Flash

The International Catholic Migration Committee is looking for qualified Best Interest Determination (BID) specialists among the European NGO community, for deployments of 3 months + to assist in resettlement programmes with UNHCR.

The UNHCR-ICMC Resettlement Deployment Scheme was initiated in 1997, to provide additional support to UNHCR in fulfilling its mandate, as it relates to the resettlement of refugees as a tool of protection and as a durable solution. The two primary goals of the scheme are: To increase the capacity of UNHCR to refer refugees for resettlement consideration; and to increase the understanding between UNHCR and its NGO resettlement partners.

The Scheme brings skilled people from a variety of NGO backgrounds into UNHCR. Their temporary placement with a UNHCR field office provides deployees with an increased understanding of how the UNHCR resettlement program functions within the context of finite resources, and local and international partnerships. In turn, UNHCR benefits from the experience of people

This Newsletter has been produced by Jacinta Goveas for the Separated Children in Europe Programme. For more information please contact:

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