

NEWSLETTER No 15

Separated Children in Europe Programme

July - August 2003

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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.

The trafficking and smuggling of human beings is an issue of increasing and alarming concern. In Europe, there is the mix of source countries and receiving countries and countries of transit and destination. The number of children and young adults who are victims of trafficking and smuggling is growing, as is the number of children found roaming the streets of many key cities in Europe.

In considering the protection and assistance of these children, there are technical issues to consider: are these children refugees? Do they have the right to claim asylum? There are issues to do with their safety and care: do they have access to information about the system, the dangers they may face and the support systems available to them? There are also the issues related to long term support – long term being relative of course.

The tightening of asylum procedures and immigration controls makes movement of people seeking asylum, for whatever reason, more difficult, resulting in an increase in trafficking and smuggling and in the number of people left by their 'guides' in the 'wrong country'. Some governments consider returning victims to the country as origin as a deterrent to traffickers and smugglers. This has often been counter productive as people may then set out to make the journey again. It is also not been in the best interest of the victim. Families of trafficked/smuggled people may be at risk if they return, in fear of repercussions from the

organizations or groups who arranged for their journey. Other

governments are considering witness protection programmes for those prepared to testify against traffickers and smugglers. Then there is the dilemma of the victims as well. Families often have high expectations of the person who has been able to leave, even if that person is a child. Can s/he go back and face their disappointment? At the International Seminar of the International Social Services Organization (ISS) in Athens on 'Accompanied Minors', there was a lot of discussion on the stories children tell to avoid being returned, so they can make good the expectations and hopes of their families. These expectations also present a challenge when considering programmes for the children such as education, shelter, etc.

There are many questions and unknown factors. One major hurdle agencies face is the scarcity of concrete information about the victims: numbers, gender, age, country of origin, route, destination, etc. This lack of statistical information makes it difficult to grasp the extent of the issues. It also presents a challenge to those who work with young people; to support them in finding better solutions for their future. This issue of the newsletter reflects both the problem and the search for answers. There are no definitive solutions but the awareness of the problem and its consequences is growing and perhaps also the search for mechanisms to address the issues the victims will face.

UK: Her Majesty's Inspectorate of Prisons has published a report detailing conditions in Dungavel House, an immigration removal centre in Scotland where children are detained with their families. The report states that "the detention of children should be an exceptional measure, and should not in any event exceed a very short period - no more than a matter of days" because "the welfare and development of children is likely to be compromised by detention, however humane, and that this will increase the longer detention is maintained". The Refugee Children Consortium, of which SC is a member, has responded that the children are being detained without limit of time, with no automatic judicial oversight of that decision. Yet there is no evidence that refugee families with children are likely to run away. The government's decision to detain children interferes with the children's rights to freedom, to a normal social life and to education"

Return: The Home Office is currently researching ways to return separated children under 18. To date Home Office practice has been to give separated children who have been refused asylum temporary status until they are 18. However, under ministerial pressure the Home Office is looking into what procedures and support arrangements need to be put into place to return separated children. The Home Office have said they will have a returns programme for separated children set up within the year.

Standards of Care: In England several Judicial Reviews are taking place, where separated children are challenging the level of support they receive from Social Services. The legal representatives of the separated children argue that the children were not properly assessed and not given the appropriate level of care under the Children Act 1989. If the case(s) are won it is hoped that this will set better standards of care for separated children. (Contributed by Save the Children UK)

Temporary respite: A 16 year old asylum seeking boy from Kosovo was deported from Britain to Albania but was returned to Britain when it was established that no action could be taken while his claim was in process. He was flown back at the cost of the British authorities. (*The Independent 13 Aug 2003*)

Greece: ISS International Seminar on "Unaccompanied Minors". ISS-Hellenic Branch hosted and organized the ISS International Seminar on "Unaccompanied Minors" from 24-26 May 2003 in Athens. It included participation from ISS Branches, correspondents and collaborators from some 33 countries, other International Organizations, Greek Ministries, UNHCR and Greek and International NGOs working with unaccompanied minors.

The seminar examined the issue of the protection of unaccompanied minors, the difficulties in the countries of origin and the receiving countries, family reunion and repatriation processes. The themes were:

1. "Provision of care, protection and assessment of un-accompanied and separated minors in the host countries",
2. "Longer term planning-repatriation or other options",
3. "Ongoing responsibility of agencies for each minor-Follow-up support, monitoring and evaluation",
4. "Methodology and Good Practice".

The need for exchange of information and coordination and harmonization of the methodology of work was particularly stressed, as well as the role of ISS in the international protection of unaccompanied children.

Return of Albanian separated children: In the context of the ISS Seminar, ISS staff from the Greece and Albanian offices and the representative of the Albanian Ministry of Labour and Social Affairs met with the Greek Ministry of Health and Welfare to discuss the protection and repatriation of unaccompanied Albanian minors in Greece. The two Ministries agreed to start exchanging information and drafting the protocol of agreement.

Hungary: A home for separated children seeking asylum in Hungary was inaugurated by H.E. Ferenc Madl, President of the Republic of Hungary on 27 June 2003 in Bekescsaba (South-Eastern Hungary) as the first of its kind in Central-Eastern Europe, marking World Refugee Day. The home can accommodate up to 28 separated children and provide appropriate legal protection, psycho-social care, medical services and education. It is hoped that the home will decrease the likelihood of unaccompanied children falling victims to human smugglers, traffickers or prostitution.

The President of the Republic of Hungary donated sports equipment and a hi-fi set. Interior Minister Monika Lamperth donated the equivalent of US\$ 4,700.

The institution shall be run by the NGO "Oltalom", in collaboration with the Government's Office for Immigration and Nationality in charge of refugee affairs in Hungary. The children will have access to legal guardians and social workers. Their asylum-claims shall be processed by experienced eligibility officers of the Office for Immigration and Nationality taking their best interests into consideration. The increase in the number of separated children is worrying in Hungary, where, in 1997, 11 separated children were registered as asylum-seekers, compared to 658 in 2002. (*Refugee Daily*, 30 June 2003)

Azerbaijan: Azerbaijan's recent decision to allow refugees to attend public schools marks a subtle change in a domestic policy with significant regional political ramifications. The decision came after negotiations with UNHCR, who will also provide infrastructure reconstruction aid, as the Azerbaijani school system is grappling with a severe shortage of space. Some schools hold three shifts per day.

The Head of the Ministry of Education's Department of Public Education and Pre-Schools for Cities, Arif Muradov, emphasized that the new policy pertains to "all refugee children currently residing in the territory of Azerbaijan."

The chief beneficiaries of the government's decision will be Chechen children. UNHCR figures show that Chechens account for over 80 percent of asylum applications in Azerbaijan since 2000 - approximately 7,200 out of 8,700. Chechen children will be able to attend one of Baku's many Russian-

language schools. Already 250 of an estimated 500 eligible Chechen children have registered to attend classes. Azerbaijani education officials have not yet finalized plans for handling children who do not speak Azeri or Russian. Most of those falling into this category come from Afghanistan, Iran and Iraq.

Azerbaijan officially views Chechens to be economic migrants and not refugees, as they are able to travel to and from their homeland. It declines to grant them official refugee status or extend them assistance. As an alternative to registration, Chechens

register with UNHCR and receive a 'protection letter' that helps to prevent harassment. Some observers believe the Azerbaijani education move may be a first step towards the official recognition of Chechens as refugees. (Troy Etulain is a freelance journalist based in Georgia.) <http://www.eurasianet.org>

Spain: The International Secretariat of OMCT has expressed concern about the expulsion of Moroccan street children to Morocco from the autonomous community of Melilla in Spain, in August 2003.

Apparently, as of August 22nd, 12 children, whose names are unknown, have been expelled from Melilla. During the first week of August, 5 mothers were also expelled with some of their children.

It seems that for the past five years, campaigns of expulsion of children living in Melilla have been initiated every year at the end of July, starting just one day before the annual closure of tribunals, political vacations, and the annual replacement of the prosecutor by a substitute. This makes procedures for the defense of minors problematic and postpones negotiations until the second half of September. A few days prior..., the media initiates a campaign of "public desensitization" asserting that street children are delinquents and that, in their "best interests", they should leave with their families. Instead, parents leave the country with some of their children, while the other children remain on the street in the city. They are taken to residential care centres, until someone comes to get them.

OMCT said that, this year, unlike in previous years, the government undertook to expel these children to Morocco with guarantees of family reunification and without creating risks of torture or other inhumane and degrading treatments by the Moroccan authorities. However, when it ratified the Convention on the Rights of the Child on 6 December 1990, Spain committed itself to guarantee that in all its actions concerning children "the best interests of the child shall be a primary consideration" (art.3 par.1) and to "ensure the rights set forth in the (...) Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's (...) national, ethnic, or social origin" (art.2 pr.1). (Geneva, 22 August 2003)
World Organization Against Torture (OMCT)
E-mail : omct@omct.org

<http://www.omct.org>

Belgium: Convicted for 'people smuggling': The Herald Tribune reported that 23 people, mostly Albanian, were convicted of running a vast 'people-smuggling' ring, accusing them of bringing approximately 10,000 persons, moving through Belgium to England. They were sentenced to up to eight years in prison. *Brussels 13 August 2003*

The Service Public Federal Interieur has developed a process to deal with separated children seeking asylum who are not victims of trafficking. Two departments of the Aliens Office deal with the cases of unaccompanied minors (person below the age of 18 who is not accompanied by a parent or a guardian in accordance with the minor's national legislation and who is a national of a country that is not a member of the European Economic Area). The Aliens Office term for such a person is: 'MENA' (Mineur Etranger Non Accompagné) or 'NBMV' (Niet-Begeleide Minderjarige Vreemdeling).

The department for unaccompanied minors, victims of trafficking in humans, examines the residence files of MENA who are not victims of trafficking in humans. (The files of the latter are examined under specific rules). Those MENA who were part of the procedure laid down by the law of 15 December 1980 and still pending are examined by another office.

The Cell of the Refugee Department examines the asylum applications of all MENA. This cell uses a specific questionnaire to interrogate the children. The personnel members of this cell have been specially trained to deal with the cases of MENA who apply for asylum.

If the application of these minors (e.g. an asylum application) has been rejected, they can ask to have the benefit of the provisions applied by the same department dealing with the victims of trafficking. (Van Lul, www.ibz.fgov.be)

Liberia: All over Liberia, hundreds of thousands of families have been torn apart by 14 years of war. In the latest fighting, which began in June and died down when President Charles G. Taylor resigned, many hundreds of children disappeared.

The names of more than 1,400 of these lost children, from infants to teenagers, are in a laptop computer at the looted offices of the Red Cross in Monrovia, where a small team of Liberians led by a Swiss, Marcus Stössel, 30, is trying to help those children find their parents. This week, the Red Cross's family tracing program, which dates back to World War I, has been winning some small battles in Liberia.

Krubo Toe, a small, scared girl of 12, was waiting in Mr. Stössel's office on Wednesday, far from home. Her mother, Comfort, runs an orphanage for about 70 children in Banjor. Toe is a common name in Liberia, and Comfort had looked for her child for five weeks until she heard about the family tracing program and contacted them. They had been driven away by the looting and fighting and returned a few days before.

The Red Cross managed to get the family retracing program fully running again on Tuesday, when Radio Veritas, knocked out last month by government shelling, came back on the air. On Wednesday, the program determined that Comfort Toe and Krubo Toe were indeed mother and daughter. Krubo was driven to her village in a Red Cross truck. The whole orphanage erupted with joy as Krubo walked out and her mother wept with relief. (*The New York Times Company, August 2003*).

South Africa: An art exhibition, prepared by a group of refugee children in Johannesburg, consists of 16 suitcases. Each suitcase is decorated by a child to depict his/her life, and includes a written story of where they came from, how and why, with a photo of each child. The children's suitcases and their stories have generated a great deal of interest in the South African community. The project has also engaged the services of several highly skilled professionals, mostly on a volunteer basis.

The children continue to meet on a regular basis to create objects to put inside the suitcases. Some 10 art workshops have taken place to date, usually in a school close to where the children live. There is a

weekend retreat planned, where they will continue with their art work and engage in individual and group discussions with child psychologists. Many of the children have experienced severe trauma prior and during flight. The suitcases have been on display at the UN Building in Pretoria and the

Johannesburg City Library. (UNHCR Pretoria)

Council of Europe: Council of Europe to prepare a European Convention on action against trafficking in human beings. During the 112th session of the Council of Europe Committee of Ministers, on 14-15 May 2003, the Foreign Affairs Ministers called for reinforced action by the Council of Europe, stressing that trafficking in human beings constitutes an intolerable affront to human dignity and has become an issue of great concern to European citizens. Support was expressed for the preparation of a European Convention on action against trafficking in human beings: such a convention should be geared towards the protection of victims' rights and the respect for human rights, and aim at a proper balance between matters concerning human rights and prosecution. The Ministers underlined that the Convention should build on the United Nations' achievements in this field in a European context and facilitate the implementation of the existing international legal instruments dealing with trafficking in human beings.

www.coe.int/T/E/human_rights/trafficking/

USA: "'Why Am I Here?' Children in Immigration Detention" the first report in Amnesty International USA's (AIUSA) two-year Campaign Against Discrimination, is also the first that includes a nationwide survey of the former Immigration and Naturalization Service's (INS) contracted facilities and their practices and procedures with regard to unaccompanied children. The survey results, combined with interviews with 31 detained children and numerous attorneys and children's advocates, show that US officials, in contravention of both international and domestic standards, often treat unaccompanied children like young criminals – without even acknowledging the distinction. The interviews with children and their attorneys reveal the fear, confusion, frustration, and shame the children experience in the US with regard to the legal process, their treatment and the conditions in which they are detained.

AI sent a detailed questionnaire on the policies, procedures and conditions of detention to 115 facilities nationwide that reportedly have housed unaccompanied children. Responses from the 33 facilities that returned the completed document illustrated the many problems endemic to a system that locks up children who are not convicted of crimes - particularly in so-called

secure facilities:

- 48% of secure facilities reported that they house unaccompanied minors in the same cells as juvenile offenders;
- More than half (57%) said they use solitary confinement as punishment;
- 83% said they routinely restrain children when taking them outside the facility;
- Only 13% provide the children with the required weekly psychological counseling;
- 35% said that they explain to children why they have been detained in such a facility and that they have the right to judicial review of the decision to put them there.

The Office of Refugee Resettlement (ORR), which was given responsibility for unaccompanied non-citizen children when the INS was dismantled on March 1st, has begun making improvements, but will inevitably run into financial roadblocks due to the high number of children currently housed in inappropriate and dangerous settings.

AI has urged Congress to pass the Unaccompanied Alien Child Protection Act, which would establish the most comprehensive domestic safeguards for children, whether under the domain of the DHS or ORR. (Washington, 18 June 2003)

For more info on the report see AI USA web site: <http://www.amnestyusa.org/>

Conferences/Meetings/Events

- NGO Conference: **'Separated and Trafficked Children in the Baltic Sea Region: Best Practices and Co-operation'** will be held in Vilnius on the 14 to 16 September 2003. The aim of the conference is to strengthen the co-operation between the different NGOs in the region regarding national as well as international co-operation for all separated and trafficked children and through this improve co-operation in all aspects of the assessment, care and re/integration of the children. The Conference will include exchange of experiences and best practices both on the practical support level and on the level of policy development and lobbying.

Good models of work will be presented and gaps in the co-operation between NGOs and between NGOs and governments will be identified. For further information contact Eva Larsson Bellander, Save the Children Sweden. Tel: +46 8 698 9069.

- Conference: **'A Sense of Place'** will be held on the 24th - 27th November 2003 in Cardiff, Wales. It is a 4-day international event that will investigate, question and shed light on 'displacement' and 'integration' in Europe, through the intellectual focus of the role of the arts, culture and media. For further information check their website: www.asenseofplace.org.uk
<<http://www.asenseofplace.org.uk>>

Publications and Web-sites

- Trafficking: UNICEF has produced a new report on trafficking called **"End Child Exploitation: Stop the traffick"**. The report defines trafficking, explains how it happens and the consequences of it. It gives a detailed look at child trafficking in the UK. This report can be accessed through: www.endchildexploitation.org.uk/stophetraffic

- Canada: **The Canadian Council for Refugees** has set up a website as part of their project on Trafficking in Women and Girls. The website is: www.trafficking.ca

- **The Irish Refugee Council** is about to launch a new report on separated children, please contact Cabrini Gibbons, cabrini@irishrefugeecouncil.ie,
For further info. call 01 - 8730042

- **"Growing up in the Low Countries: Children's Rights in the Netherlands"**, the second report of the Dutch NGO Coalition for Children's Rights (KRC) on the implementation of the Convention on the Rights of the Child in the Netherlands.

This report covers the period 1997-2003 (up to April) and is independent from the report of the Dutch government to the UN Committee on the Rights of the Child of March 2002. In this report, the KRC highlights the problems in the field of children's rights in the Netherlands, focusing on eight key areas of concern. Each section looks at the relevant recommendations to the Dutch government made by the UN Committee on the Rights of the Child in 1999, a description of the present situation and provides an overview of current developments. Problem areas are identified and in conclusion, new recommendations are made to the Dutch government. During the discussions in 1999 between the UN Committee for the Rights of the Child and

the Dutch government, the former made several recommendations to the Dutch government. In a separate chapter, KRC indicates the progress made in implementing these recommendations.

- At a SCE Programme meeting in April 2002 Elena Rozzi, **Save the Children Italy**, presented a paper on best interest of the child re. repatriation. This is available on: http://www.savethechildren.it/minori/documen ti/Best_interests-child.pdf

- IOM Report: **"World Migration 2003: Managing Migration - Challenges and Responses for People on the Move"**.

The World Migration 2003 report, launched in June 2003 has added dimensions of key interest to migration policy-makers, practitioners and academics. With the overall theme of 'Managing Migration', this comprehensive report includes regional updates, as well as a set of thematic articles on selected issues important in migration management, a concept that reflects the efforts of the international community to render the migratory flows more orderly and humane. The themes include integration of immigrants into their host societies, labour migration and brain drain, health concerns involved in various forms of migration, and challenges posed by irregular migration flows, including trafficking in human beings and smuggling of migrants. As IOM is increasingly facilitating regional cooperation among governments in meeting migration challenges, an update on both new and earlier initiated regional consultative processes is included in the report. Also new in this edition is a global overview on key questions on how to improve migration statistics. The statistics section contains comprehensive migration data, including special statistics of phenomena such as return migration and trafficking in human beings. Further information:

<http://www.iom.int/iomwebsite/Publication/Ser vletSearchPublication?event=detail&id=2111>
(Source: ECRAN Weekly Update 11 June)

- **Separated Somali Children**. IRIN has a special report called **"A Gap in their Hearts: The experience of Separated Somali Children"**. It is an interesting document on the use of smuggling to get Somali children out of various countries, the routes they use, the way the children are used to perpetrate welfare fraud, as domestic labour and prostitution or fall into the hands of criminal gangs. To view the document, check www.irinnews.org/webspecials/Somalichildren.

-Save the Children Publications catalogue on line. The reports and books offer are for people working first-hand with the rights of children or for those of you who are interested in the work being done to realize the Convention. Some of the books are of a more general nature not directly related to field work or the Convention, but more relevant to those who work with children, such as teachers, youth counselors or even parents.
<http://www.rb.se/bookshop/>.

Programme Update

Change of functions:

Ms Lise Bruun, Save the Children Denmark, has been appointed as new Co-ordinator of the SCE Programme as of July 1 2003.
Phone: +45 35 24 85 24,
Email LBR@redbarnet.dk

Ms Inger Neufeld, Save the Children Denmark, has been appointed as new Assistant of the SCE Programme as of August 1 2003.
Phone: +45 35 24 85 39,
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Mr. Terry Smith has been appointed as new Advisor of the SCE Programme as of August 1 2003.
Mail: g.wostear@btoopenworld.com

Programme activities

Empowerment of Separated Children:

Three countries, Sweden, Italy and the Netherlands, are now starting activities with empowerment of separated children. They will make use of the training pack on participatory methods that has been developed by the SCE Programme.

Evaluation forms have been developed and will be followed by a process of evaluation and comparison of methods used and experiences gained.

New National Assessments:

The updating of the national assessments is almost completed. A comparative analysis of the changes and developments will be carried out and presented in the autumn. Both the updated assessments and the analysis will then be accessible via the Programme's web site.

New NGO contact in Spain is Ms. Almuden Jordá, Save the Children Spain, International Cooperation Department.

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

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