

# UNHCR NEWSLETTER

## Separated Children in Europe Programme

### April - May 2002

### Issue N°10

#### Inside this issue:

- News on Separated Children
- European Asylum Harmonisation
- Meetings/ Events
- Statistics
- Publications and Web-sites
- Programme Update
- Calendar

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

### **News on Separated Children**

#### **- Austria: SEPARATED CHILDREN ARE GIVEN SPECIAL ATTENTION FOR ONLY THREE MONTHS**

At a press conference held in Vienna on 12 April, experts criticised the lack of special attention for asylum-seeking children in Austria. After three months in one of the country's six temporary reception centres for separated children, they cease to receive any further special attention.

Most of them are integrated into the programme of federal care for asylum-seekers, which does not provide specific treatment and attention for separated children.

Moreover, since asylum-seekers are not allowed to work, asylum-seeking children, like adults, are obliged to take jobs illegally; the risks of exploitation and abuse being obviously greater for children.

UNHCR estimates that 1000 separated children seek protection in Austria every year, most of them between 14 and 18 years. Of those, only 250 are able to find a place in one of the temporary reception centres for separated children.

MNS, May 2002

#### **- France: INCREASING NUMBER OF SEPARATED CHILDREN HEADING FOR CALAIS OVERWHELMS SOCIAL WORKERS**

Social workers dealing with families and children in Calais are overwhelmed by the increasing number of separated children arriving. In the first half of April alone, 206 asylum-seeking separated children arrived at the Red Cross reception centre in Sangatte. However, most of them leave as soon as possible to try and continue their journey to the UK.

Under the law, any person under the age of 18 without any means or accommodation is considered to be in danger and must be cared for by the social services for children. However, in this case the Red Cross is authorised to accommodate asylum-seeking children at the centre in Sangatte if they are at least 15 years old.

The task of selection is neither easy nor precise since none of these children have any documents of identity or are unwilling to show them.

Those who do appear to be less than 15 years of age are placed in the custody of the social services which try to place them with a guardian, quite often a family. Given the

increasing number of such children and the lack of staff and resources to deal with them, assigning them a guardian very often ends in failure.

These children often do not understand the role of social workers, confusing them with the police authorities or even with traffickers. There is no time available to have an in-depth discussion with them to explain why they should be taken care of by a family. The majority therefore leave at the very first opportunity and there has been little that social workers or the authorities can do to prevent this. Of the 210 children placed in the care of a guardian last year, only some 20 have remained with their families. All the others have disappeared and some are probably already in the UK.

MNS, May 2002

#### **THE NETHERLANDS: DISCONTINUITY OF RETURN PREPARATION CLASSES FOR SEPARATED CHILDREN**

A school in the Northern city of Winschoten has discontinued giving "return lessons" that were meant to prepare separated children for return to their country of origin. The project was sabotaged by four separated children who threatened and molested their classmates to keep them away from the courses. NRC, 10 April

#### **UK: SCOTTISH MPs CRITICISE DETENTION OF CHILDREN**

On 22 April, a report was issued by a group of MPs of the Scottish Parliament on the Dungavel detention centre in Lanarkshire, which was highly critical of the detention of children of asylum-seekers in the Dungavel centre.

On the day the report was released there were 34 persons detained in the Dungavel centre, 15 of them were children.

The Dungavel centre is used mainly to detain rejected asylum-seekers awaiting deportation. The report criticised the fact that one person had been detained there for 18 months while others were placed in detention even before the end of their asylum procedure.

MNS, May 2002

#### **- Poland: SEPARATED CHILDREN HELD IN CUSTODY AND DEPORTATION FACILITIES**

Two children who were being held in custody and deportation facilities have been allowed to register their application for asylum after UNHCR Warsaw's intervention. Concerns were raised regarding access to RSD of asylum seekers in the criminal custody, jails and deportation facilities in Poland.

#### **-USA: DETENTION OF SEPARATED CHILDREN**

The U.S. Immigration and Naturalisation Service (INS), which kept a mentally retarded youth from Guinea for 15 months in adult prisons where he was severely abused, finally transferred him to a juvenile facility after concluding he was a minor. The case of Malik Jarno has drawn protests from many sectors of society. Jarno arrived in the United States in January 2001 to seek refuge from a civil conflict in which most of his family was killed. He had his 17th birthday in jail last January and was held for nine months before seeing a lawyer or having an immigration hearing.

Each year, the INS holds in custody about 5,000 separated children who enter the United States without valid papers. Human rights advocates say many are often held in prison for months, where they can suffer abuse. The INS said it could not authenticate Jarno's birth certificate and it did not acknowledge that he was developmentally disabled, despite two psychological reports to the contrary. The agency had argued at an immigration hearing that Jarno should remain in jail while it pursued legal efforts to have him deported. However, as the embassy of Guinea authenticated Jarno's birth certificate, his lawyer was informed by the INS that he would be moved to a shelter for families and children in Pennsylvania.

INS spokeswoman Karen Kraushaar said the agency acted immediately after receiving word that the birth certificate was genuine.

The INS has recently come under heavy criticism for security lapses and the U.S. House of Representatives Judiciary Committee have voted overwhelmingly to abolish the service and replace it with two new bureaus.

In Jarno's case, the INS relied on dental and wrist X-rays, which it often uses despite high unreliability and the opposition of many forensic and medical scientists. The

tests had established Jarno was at least 19 years old.

Reuters, 10 April

- West Africa: **SEMINAR ON COMBATting CHILD TRAFFICKING FOR LABOUR EXPLOITATION**

On 24 and 25 April experts from relevant Ministries, NGO's, UNICEF and UNHCR gathered in Côte d'Ivoire to discuss the launching of a project to combat child trafficking.

The project will be based on the conclusions of a study conducted by ILO, which indicated that refugee situations contain many social cultural, economic or judicial risk factors that are conducive to child exploitation and/or trafficking. These include: being present or close to a demanding country; belonging to groups with large families; the poor economic, political and judicial situation in the country of origin; the low level of education opportunities and low literacy level; or victims having very often lost one or both parents.

Preventive actions should be initiated shortly such as sensitisation campaigns; the involvement of authorities and local communities; the ratification of international instruments and lobbying for its implementation and fighting impunity. Projects of this kind are extremely important as they contribute to fight trafficking in the country of origin itself.

- Colombia: **RECRUITMENT OF CHILD SOLDIERS**

According to reports received by UNHCR, illegal armed groups have been recruiting children in the border areas. UNHCR is therefore extremely concerned about the situation of children, in a country where more than 2 million people have been displaced since 1985. Moreover, there is a serious danger that the recruitment of child soldiers, which violates international law and the rights of the children, could add confusion between armed combatants fighting in Colombia and the innocent civilian victims of the conflict who are in need of protection.

UNHCR briefing notes, 21 May 2002

**EUROPEAN ASYLUM HARMONIZATION**

**COUNCIL REACHES AGREEMENT ON THE DIRECTIVE ON MINIMUM STANDARDS FOR THE RECEPTION OF ASYLUM-SEEKERS**

On 26 April the Justice and Home Affairs Council reached political agreement on the proposal on minimum standards on the reception of asylum-seekers. The European Parliament amendments – approved the same day – are unlikely to make substantial changes to the text. The directive still has to be submitted to scrutiny of the Dutch and UK Parliaments before it can be adopted formally and published in the EC Official Journal.

Although some provisions will result in an overall improvement in general reception conditions in several EU countries, Member States have a lot of possibility for exceptions and adaptations which can lead to lower reception standards. Furthermore, it will be possible to withhold all benefits - except for emergency medical care - from asylum seekers who show uncooperative behaviour or who have not complied with certain reporting requirements.

The special provision on **separated children** calls for the appointment of a guardian, tracing of family members if it is in the child's best interest and suitable placement. However, the new text allows that separated children aged 16 or above are placed in the same facilities as adults.

Other provisions include access to education in similar conditions as nationals; emergency health care and essential treatment of illness; medical assistance for applicants with special needs; and access to rehabilitation services for minor children who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts.

**COMMISSION ISSUES AMENDED PROPOSAL FOR FAMILY REUNIFICATION**

As requested by the Laeken Summit, the European Commission published on 2 May the revised proposal for the Directive on the right to family reunion, following the failure in negotiating the previous text. Provisions are generally less ambitious and lowers

some of the standards included in the original proposal.

A separate chapter on the reunion of the refugee family was introduced, with more favourable provisions. Member States can limit the reunion of children to those under 13 years old but not in the case of refugee children where the age limit of 18 must be retained.

The definition of family was limited to the nuclear family and the reunion can take place in the descending line only (i.e., spouses and minors – including adopted – children). However, for refugees, reunion with extended family, including members living in a relationship of dependency is also possible, as it is an optional provision. Despite this fact, in the case of **separated children** there is an obligation for Member States to allow for the reunion with family members in the ascending line (which can be a legal guardian or some other member of immediate family in the absence of parents). Main negotiations are expected to take place during the Greek and Italian Presidencies in 2003.

#### **EUROPEAN PARLIAMENT REPORT ON THE DUBLIN II PROPOSAL**

The European Parliament has adopted its report on the Dublin II proposal (on determining the Member State responsible for examining an asylum application). It has called for the broadening of the definition of the family in order to include uncles, aunts and other relatives of children asylum-seekers to look after the child.

The draft regulation is being discussed in Council and the issue of separated children is causing controversy, with some Member States resistant to a too prescriptive approach at European level. The Spanish Presidency is currently drafting a new text on this issue.

#### **EUROPEAN REFUGEE FUND : CALL FOR PROPOSALS**

The European Commission published a call for proposals under the ERF for projects in 2002 with a Euro 2.2 million budget. Projects must start in September in the areas of: 1) analysis and evaluation of the situation of persons having applied for refugee status, subsidiary forms of protection, temporary protection or already granted one of those status; 2) capacity building; comparative analysis of Member

States' strategies, policies and practice for the reception, integration and voluntary repatriation of vulnerable groups in the host countries; and transnational actions submitted by Member States consisting of the transfer of information, lessons learned and good practice.

Information and forms can be obtained from: [JAI-EUROPEAN-REFUGEE-FUND@cec.eu.int](mailto:JAI-EUROPEAN-REFUGEE-FUND@cec.eu.int)

#### **AGREEMENT ON ADMINISTRATIVE CO-OPERATION IN THE FIELDS OF EXTERNAL BORDERS, VISAS, ASYLUM AND IMMIGRATION**

At its meeting on 25-26 April, the Justice and Home Affairs Council reached political agreement on a proposal, submitted by the Commission on 16 October 2001, for a Council Decision adopting an action programme for administrative co-operation in the fields of external borders, visas, asylum and immigration (ARGO).

The ARGO programme, covers the period from 1st January 2002 to 31st December 2006. It aims at co-ordinating and strengthening co-operation between national and international agencies and NGO's in the implementation of Community rules, encouraging transparency of the actions taken. Furthermore, it promotes uniform application of Community law in decisions taken by the national agencies and improving their efficiency in implementing Community rules.

The ARGO programme will be formally adopted at a forthcoming session of the Council.

#### **EU PRESIDENCY**

##### **ASYLUM ON TOP OF THE AGENDA**

In an interview with the daily "Berlingske Tidende", Bertel Haarder, Danish Minister for Refugees, Immigrants and Integration, announced that the introduction of asylum harmonisation would be a top priority when his country assumes the presidency of the EU on 1st July 2002. Mr Haarder said that he wanted to put an end to the present situation of asylum-seekers requesting protection in several EU Member States.

MNS, May 2002

## Meetings/Events

### UN SPECIAL SESSION ON CHILDREN

The UNSSC took place on 8 and 9 May in New York and for the first time, children participated and had the opportunity to address the General Assembly.

The plight of refugee children was highlighted in an effort to get commitment from leaders to address their concerns and provide services to protect and promote their rights.

**Separated children** and adolescents were specially mentioned as group at risk. As programming to meet the protection and care needs of these groups have been largely lacking and ineffective, the panel called for more research to increase the understanding of the numbers of children who fall into these categories.

At the final declaration the heads of State and Government reaffirmed their commitment to change the world with and for children by taking concrete action to give every child the rights proclaimed in the UN Convention of the Rights of the Child and therefore, create a «World fit for Children».

### INTERNATIONAL DAY OF MISSING CHILDREN

The Belgium NGO Child Focus launched the celebrations of an International Day of Missing Children, on 25 May.

This day is celebrated since 1983 in the USA and 1986 in Canada as an opportunity to raise awareness on the issue of missing and exploited children. Hundreds of myosotis, the symbol of this day, have been distributed all over Belgium and people were asked to carry them as a sign of solidarity for the cause, and as a precious reminder not to forget missing children.

### GLOBAL CONSULTATIONS

On 24 May a meeting was held in the framework of Track IV of the UNHCR Global Consultations on refugee children.

**-FRANCE:** On 18 and 19 April IOM and the HESI organised a seminar on the Exploitation of Separated Children in the European Union. Participants from relevant governmental agencies and NGO's highlighted the importance of adopting urgent measures to combat this problem, especially considering that trafficking and

exploitation of separated children continues to increase.

Studies have been conducted in different European countries, and the main findings were presented at the seminar. The major problem identified for all the countries was the difficulty in getting accurate data and information. The research reports will be published in September covering Belgium, France, Germany, Italy, Spain, the Netherlands and Greece.

**- CROATIA:** The Co-ordination Group for Separated Children held its first meeting on 25 April, with the participation of various NGO's and Government representatives. The discussion focussed on reception conditions for separated children, identification and registration of children, health care, and on the linguistic barriers in the work with separated children.

Participants agreed that planned action would centre on suggested changes to the guardianship system; on the creation of a registration database of separated children; on the implementation of legal provisions on health assistance for separated children; and on the finding of appropriate translation services.

### - GERMANY

- On 15 and 16 April the German Federal NGO Association held its annual conference, dealing with **separated children**. The main issues discussed were detention and the question of how to manage the appointment of guardians for separated children over the age of 16.

- On 25 April the Bavarian Working Group in Germany held **a meeting on separated refugee children**. The discussion focussed on the new immigration law and on the new developments regarding accommodation and guardianship.

**- CANADA:** The NGO International Bureau for Children's Rights, has established the project "Focal Point on Separated Children in the Americas"

The project has been created to respond to the gaps in protection for separated children and promote their rights and best interests. The Focal Point has been created within the International Bureau for Children's' Rights. In conjunction with collaborating/partner agencies – Canadian

council for Refugees (CCR), Child Welfare League of Canada, International Social service Canada, Save the Children Canada and UNHCR – it will work to link agencies and professionals across Canada in a network which will raise awareness and advocate for separated children.  
UNHCR, Canada

---

## Statistics

- Belgium: 747 separated children lodged an asylum application in 2001, representing 2.3% of the total number of claims.

- Ireland: 52 separated children lodged an asylum claim until March of the current year. Most are between 16 and 17 years old and there is a balance between boys and girls.

- Lithuania: In 2001 there were 24 asylum applications from separated children, 19 boys and 5 girls, most of them coming from Afghanistan and the Russian Federation.

- Romania: 32 separated children got assistance in 2002, of whom 21 have arrived this year. Only one child was granted refugee status so far.

---

## Publications and Websites

- The Belgium NGO Child Focus launched on 18 April a **study on the Disappearance of Separated Children and Minors Victims of Trafficking**. The report is based on 255 case studies and consists of an analysis by country of origin, gender, age, circumstances and categories of disappearances.

According to Child Focus, one out of five dossiers on disappeared children remains unresolved and more than half of those cases deals with separated children. Furthermore, the number keeps rising: during the first four months of this year, the number of disappeared separated children tripled compared to last year. Some of these children travel to other countries but 1 on 4 is victim of sexual or other abuse.

In the light of the extent of disappearances (42% children disappear within a month) and that it is increasing, Child Focus in their recommendations, call for urgent and strong measures to prevent disappearances.

A uniform registration system is needed, as well as guardianship and secure and appropriate reception centres/accommodation.

The report is available in English, French and Dutch.

For more information contact: [isabelle.marneffe@childfocus.org](mailto:isabelle.marneffe@childfocus.org)

- The documentation from the Conference on "Child Soldiers: Defining good practice", which took place on 25-26 October 2001 is finally available.

The reports can be ordered by contacting: [Jennifer@ngovoice.org](mailto:Jennifer@ngovoice.org)

- **Human Rights Watch** Children's Rights Division's issued the report "**Nowhere to Turn: State Abuses of Unaccompanied Migrant Children by Spain and Morocco**", available at: [www.hrw.org/reports/2002/spain-morocco](http://www.hrw.org/reports/2002/spain-morocco)

- The **Children's Rights Alliance**, an Irish NGO coalition, established a **website** providing information for professionals working with and for children, parents, guardians and young people on the Convention on the Rights of the Child and on children's rights, entitlements and services in Ireland. The inclusion of an online Children's rights Information Centre is also planned. Visits at: [www.childrensrights.ie](http://www.childrensrights.ie)

- **Children out of detention** - A campaign to try to get the children released from detention in Australia is being conducted from the following website: <http://www.justrefugeeprograms.com.au/children.htm>

- The reception centre of Sint-Niklaas in Belgium published a **book** called « **Feeling at Home** », for which 18 children co-operated telling their experiences as a refugee child.

The book is available in English and Dutch.

---

## Programme Update

- On 4 and 5 April, the Senior Regional Policy Advisor went on mission to London, where she met the Home Office Deputy Director of the Asylum and Appeals Policy Directorate and the responsible for children in the Asylum Policy Unit; the SCEP partner organisations; Save the Children UK; the British refugee Council; and the Refugee Integration Forum for Unaccompanied Minors.
- On 11 to 13 April, a Programme Seminar took place in Madrid, Spain, attended by the Senior Regional Policy Advisor and the Programme Assistant.
- On 22 and 23 May the Senior Regional Policy Advisor travelled to Stockholm for meetings with government agencies, NGO's and colleagues related to proposed changes in policy on separated children; and for visits to reception centres and group homes for separated children.
- On 28 and 29 May a Steering committee Meeting was held in Geneva, to discuss the evaluation report and the Programme future form.

---

## Calendar

- On 11 to 13 June , a Training of Trainers will be organised in Munich, Germany, for Government, NGO and UNHCR staff members.
- The final evaluation report of SCEP is due at end June

This Newsletter has been produced by Kate Halvorsen and Mafalda Leal for the Separated Children in Europe Programme. For more information please contact:

Kate Halvorsen, Senior Regional Policy Advisor

[Halvorse@unhcr.ch](mailto:Halvorse@unhcr.ch)

tel:+ 32 2 627 17 59

Mafalda Leal, Programme Assistant

[Marinho@unhcr.ch](mailto:Marinho@unhcr.ch)

tel: +32 2 627 17 58

UNHCR RO Brussels  
Rue Van Eyck 11b  
1050 Brussels, Belgium