

# UNHCR NEWSLETTER

## Separated Children in Europe Programme

### February - March 2002

### Issue N°9°

#### Inside this issue:

- News on Separated Children
- News on Legislation
- 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**

#### **- Denmark: SUICIDE OF SEPARATED CHILDREN**

A 17-year-old asylum seeker from Iraq has died, victim of an apparent suicide, in a Red Cross centre in Copenhagen, the newspaper Politiken reported on 11 February. The 17-year-old boy had arrived in Denmark on his own almost a year ago and applied for asylum, but he was rejected. No details were reported on the manner of his death. The head of the political asylum department at the Danish Red Cross, Joergen Chemnitz, told the paper it was the first time a minor asylum applicant had died in Denmark. Chemnitz was quick to add that the victim had suffered from psychological problems, and hesitated to connect his death to the fact that his application for asylum had been turned down.

Jens Modvig, Secretary General of the International Council for the Rehabilitation of Victims of Torture, expressed, however, his indignation saying that a sick 17-year old

separated child, should have been taken into consideration for humanitarian status. Apparently, according to reports from Sweden, there has also been an increase in attempted suicides among separated children seeking asylum.

*UNHCR Refugees Daily 12 February*  
*MNS, March 2002*

#### **- Finland: SEPARATED CHILDREN ASYLUM AND FAMILY REUNION PROCEDURES TAKING TOO LONG**

Finland has received altogether 1200 separated children. The long waiting time for asylum and family reunification applications lengthens the time children are separated from their families, which can have negative consequences. According to a study made by the Finnish Family Federation, children have sleeping problems and they suffer from depression and anxiety. Most of the problems are caused by separation of family and longing for parents. One of the problems, which slows down the process of family reunion considerably, is the lack of financial resources to conduct DNA-testing to determine family relations,

considered necessary by the Finnish Directorate of Immigration.

*Helsinki Sanomat, 13 March*

**- Romania: SPECIAL ACTIVITIES FOR SEPARATED CHILDREN IMPLEMENTED BY SCEP'S NGO PARTNERS**

Since January, Save the Children Romania has been providing assistance to 49 refugee and asylum-seeking children, including 12 separated children, in the Gociu and Stolnicu accommodation centres. The educational and recreational activities include daily workshops and English, music and painting lessons.

At the same time, Arca, the Romanian Forum for Refugees and Migrants, is continuing its « Refugee Adolescents' Club » project which includes training courses. Older members of the Club who already completed the training continue to meet at Arca to spend time together and share their views on various issues.

*UNHCR BO Bucharest*

**- Romania: PHARE FUNDS GIVEN TO STUDY PROJECT FOR SOCIAL WORKERS DEALING WITH REFUGEE CHILDREN**

The Romanian Forum for Refugees and Migrants (Arca) has received funding from the EU Program Phare for the implementation of the project « Short Study Visit – Being a refugee in Romania ». The project consists in a one-week study visit to Bucharest for a group of 12 social workers from different European countries, to look at Arca's experience with activities targeting refugee adolescents, meant to facilitate their integration in Romanian society, in particular the « Adolescent's Club Programme ».

*UNHCR BO Bucharest*

**- Sweden: PROSTITUTION OF CHILD ASYLUM-SEEKERS**

Swedish police is investigating a possible child prostitution ring at reception centres nation-wide, investigator Patrick Engstöm said on 9 February. The probe was triggered by media reports of children from African and Asian countries being sold as sex slaves in Sweden. However, human smuggling and

paedophile networks are very difficult to penetrate, Mr Engstöm said.

A case highlighted by the media involved four teenage boys at Carlslund reception centre for children. The boys disappeared from the facility for several days, then returned and “in their behaviour appeared to have been exposed to something” Migration Board regional manager Carina Larsson said in a radio interview.

The number of separated children arriving in Sweden has been increasing. In December 2001, the government agency was handling 290 cases. The largest group of children was Iraqi nationals while many others came from Mongolia and Afghanistan.

*UNHCR Refugees Daily, 9 February*

**- Sweden: DEBATE OVER THE RESPONSIBILITY FOR SEPARATED CHILDREN**

Recent reports of overcrowding, attempted suicides, and fears that separated children are involved in prostitution have led to a parliamentary debate on the protection and care of separated children.

The Migration Board, the Social Welfare Authorities and the Municipalities, among other actors in this field, are involved in a big debate on the various aspects of protection and care of separated children in Sweden. Part of the discussion centres around which agency should be responsible for the social care of separated children during the asylum process; part of the discussion is about the role of the guardian and the legal capacity of the child; “good man” and legal representation in the asylum procedure.

The Minister of Immigration has established a committee to study all the issues involved, and is expected to come up with recommendations to the Government by the end of May.

*MNS, March*

**Congo: FLEEING FROM COUNTRY OF ORIGIN: WHY CHILDREN MIGHT LEAVE THEIR HOMELAND**

The choices facing children in the eastern Congo today are to join the military, become a street child, or die, according to one local NGO representative. Refugees International (RI) has just completed a fact-finding trip to the Congo to examine the

social impact of the civil war in the eastern Congo and found a society under tremendous stress from violence and lack of economic opportunity. The impact of the conflict on children is devastating, depriving thousands of vulnerable young people anything approaching a normal childhood.

The war-affected children of the eastern Congo have no opportunity for education and eat one meal per day, if they are lucky. Many are homeless, forced to flee because of acute poverty. Some have witnessed horrible atrocities committed against their families or their neighbours.

Separated and traumatised, they roam into the big towns or cities. The streets of Bukavu and Goma, are rife with displaced children who vie for odd jobs or commit petty theft.

Girls living on the streets due to war or poverty are extremely vulnerable to sexual exploitation once they reach puberty. If they cannot find a home or are not taken in by a child welfare centre, they are almost forced to prostitute themselves to survive. They may opt to join the military training camps, where they are used as porters, sex slaves, or spies to infiltrate enemy encampments where they are sent to be prostitutes and get information from the enemy.

One local NGO has begun a survey into the escalating phenomenon of girl prostitution in Goma. Their preliminary findings after one month of research indicate that of the 41 girl prostitutes aged thirteen to seventeen that they interviewed, 38 were displaced because of war and all had little or no education.

Another alarming aspect of this war is the high number of male child soldiers. 60% of the demobilised child soldiers in one centre have said that their enrolment was due to the poverty of their families. One NGO child protection officer told RI that kids have no choice in trying to survive.

In the context of the Lusaka Peace Accords, the international community has had some success in stigmatising the recruitment of child soldiers. Parties to the conflict realise that recruiting child soldiers is not "politically correct" and the two primary Congolese parties to the conflict, the

Government of the Democratic Republic of the Congo (DRC) and the Goma-based rebel government in the east, the Congolese Rally for Democracy (RCD), have both announced the demobilisation of child soldiers in recent months. RI's assessment mission, however, confirmed that abuses continue in the East. Demobilised children are closely monitored by rebel commanders and are vulnerable to being snatched from transit centres or forced to re-enlist when they return to their villages. Children continue to volunteer for economic reasons, and there is no incentive for any of the contending armies to turn them away.

*Refugees International, 6 February*

### USA: CONTROVERSY ON AGE ASSESSMENT METHODS

Dr Herbert H. Frommer, Professor and Director of Radiology at the New York College of Dentistry and distinguished author, recently denounced publicly the criteria used for age assessment when doing dental radiographs.

The Immigration and Naturalisation Service (INS) establishes that a person is over the age of 18 when all four third molars are present. According to Dr Frommer, this position has no scientific validity – there is wide variation in the age at which third molars erupt in the mouth - and scientific literature states unanimously that it is impossible to exactly determine a patient's chronological age from dental radiographs. He also explains that it is a recognised fact that race, gender and ethnic origin affect the eruption pattern of third molars.

Dr Frommer concludes that, in his opinion, it is impossible to make a reasonable judgement as to whether a person is over the age of 18 years based on dental radiographs.

A similar statement has been made by the Swedish Paediatrician society recently, voicing its criticisms against the sole use of the method of x-rays of the hands and teeth to determine the age of separated children seeking asylum. The exams, carried out by the Eastman Institute of Stockholm, have a margin of error of one to two years.

**USA: NEW BILL FOR IMPROVING CHILDREN'S RECEPTION CONDITIONS PROPOSED**

Each year, more than 4,000 separated children arrive in the USA. Some are teenagers looking for work, but others are toddlers used as props by smugglers or young people fleeing abuses like forced recruitment as soldiers or arranged marriages. Except for Elian Gonzalez, the Cuban boy whose mother drowned en route to the US in 1999, they get little attention.

Last year, of nearly 5,000 children in the custody of the Immigration and Naturalisation Service, a third spent up to long periods of time imprisoned in detention facilities such as a juvenile jails. The vast majority were children who did nothing more than cross a border. When taken from jail to court hearings, they are shackled and handcuffed, and none of them are entitled to free legal representation.

A bill proposed by Senator Dianne Feinstein of California would change the way the I.N.S. deals with separated children. It would not affect whether they are eventually granted asylum or sent back home, but it would improve their treatment during the asylum procedure. The bill would set up an Office of Children's Services outside the I.N.S.; provide free legal representation for the child; and appoint a guardian to investigate the child's situation and make recommendations to the court. The changes are necessary and modest and might even save money by speeding up cases. The problem of separated children is a complex one that exemplifies the problems of the I.N.S.. The agency's staff is overstretched and undertrained, and resources are short. The truth about an arriving child's circumstances, and even age, is often hard to find. Children who come to the United States alone have often survived terrible hardship at home and on the journey. Placing them in detention for long periods of time further damages their condition.

*UNHCR Refugees Daily, The New York Times, 26 March*

---

**News on Legislation**

**OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT COMES INTO FORCE**

On 12 February the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict came into force. The Treaty outlaws the use of any person below the age of 18 as a soldier and imposes an obligation on States to raise the minimum age for voluntary recruitment to at least 16 years. It also calls for resources to be made available for the rehabilitation of former child soldiers so that they can be reintegrated into their communities.

Mr Olara Otunnu, Special Representative of the Secretary General for Children and Armed Conflict said that the coming into force of the treaty "marks a new and much higher threshold for the protection of the children in situations of conflict, providing us with a new and very powerful tool for advocacy on the ground".

All the EU Member States have signed the Optional Protocol, but none of them have yet ratified it.

*UNHCR Refugees Daily, 13 February*

**OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY COMES INTO FORCE**

The Optional Protocol to the Convention on the Rights of the Child designed to prevent and outlaw the sale of children, child prostitution and child pornography entered into force on 18 January .

The Protocol seeks to raise standards in protecting children from all forms of sexual exploitation and abuse. The Protocol calls for governments to ensure that adults involved in the exploitation of children are punished. It also urges governments to take decisive action when their nationals take part in the abuse of children abroad, and encourages countries to co-operate to ensure the protection of children trafficked across borders.

*UN Highlights 15-31 January*

## **USA: INNOVATIVE RULING FOR CONSIDERING THE BEST INTERESTS OF THE CHILD**

A federal judge in Brooklyn has provoked a fierce debate among immigration experts with a recent ruling that American officials cannot deport an immigrant because he is a felon unless they first consider the impact on the child(ren) he would be separated from. The ruling was unprecedented, experts on immigration law say, in holding that international law requires that American officials determine whether the deportation of a parent would be in the "best interests of the child." Human rights lawyers are calling the decision a landmark that sets the stage for broader American application of international legal concepts protecting the sanctity of the family. But critics are ridiculing the decision as judicial activism that would limit the sweeping powers of immigration officials, just as they are using those powers in the campaign against terrorism. The ruling came in the case of a 26-year-old man who was born in Trinidad but lived most of his life in Westchester County. He was convicted in 1996 of a \$714 coffee-shop robbery in Scarsdale. His daughter, who is 7 and an American citizen living with him, would have to remain in the country with her grandmother, also an American citizen. The INS is planning an appeal, said a spokesman for the agency in Washington. Judge Weinstein's ruling dealt only with the case of the single immigrant, Don Beharry, who has been in immigration detention for nearly three years since he completed his sentence for the robbery. But the appeal, legal experts say, will turn the case into a major battle about immigration policy. Some legal experts said that the decision by Judge Weinstein appeared to be intended as a major challenge to the law in an effort to mitigate the increasing inflexibility of immigration laws in recent years.

*UNHCR Refugees Daily, The New York Times, 14 February*

---

## **European Asylum Harmonisation**

- The European Commission is due to present by the end of April the new proposals on family reunification and asylum procedures.

For the time being, the negotiations on the draft directive on reception conditions are ongoing and some changes were made, which result in lesser detail of the final text. As regards the definition of family members it has been reportedly restricted to spouse and unmarried partner in a stable relationship and to **minor children**, instead of **children** as in the original text. Concerning schooling and education of minors the original proposal was modified. It now states that access to education shall not be postponed for more than 3 months from the date the asylum application has been lodged by the minor or his/her parents but that, as added, this period may be extended for one year when specific education is provided to facilitate access to the education system.

- A proposal for a residence permit for victims of illegal immigration and trafficking in human beings who co-operate with the competent authorities was issued by the Commission.

The draft is concerned primarily with adults but contains a special provision for Member States wishing to extend it to minors who fulfil the conditions lay down in their national law. In this case, they will have to take into account the best interests of the child and ensure that the procedure is appropriate to the age and the maturity of the child. Furthermore, a special clause is included for separated minors to establish their identity, locate their families and provide for legal representation.

### **EU PRESIDENCY**

The Spanish Presidency will hold an expert meeting on children in April, which will focus on four issues: the results of the Yoklaoma conference on sexual exploitation of children for commercial purposes; the UN Special Session on Children in May; the EU Observatory on children; and poverty.

- **DAPHNE PROGRAMME 2000-2003: CALL FOR PROPOSALS**

The European Commission launched in February the call for proposals within the framework of the EU project funding Daphne 2000-20003 – **Preventive measures to fight violence against children, young people and women.**

Further details can be found in the Official Journal of the European Communities No. C 35 of 8 February 2002. The deadline for the submission of the proposals is the 26<sup>th</sup> of April.

---

## Meetings/Events

### **CHILDREN'S DRAWING COMPETITION: THE LORD, SAVE UKRAINE!**

Following a first successful competition in Ukraine, Charitable Found Willow is now broadening its competition outside Ukraine.

Children are invited to draw their land, family relatives or friends, dreams or prayers, how they would like to live or what do they want the Lord to Save.

Everyone interested shall contact Aneliya Pollshchak, Caritas-Spes Ukraine at [anelyapol@ukr.net](mailto:anelyapol@ukr.net)

- On 22-24 March, Save the Children Finland organised a training course on children in emergencies and UNHCR Stockholm made a presentation on refugee children issues.

---

## Statistics

Canada: In 2001, 834 separated children lodged an application for asylum. Of those, 653 were finalised by the Canadian Immigration and Refugee Board from which 351 had a positive decision, 120 were rejected, 37 were abandoned and 25 withdrew. Main countries of origin are Congo, Somalia, Sri Lanka and China.

France: According to MOI sources, 1070 separated children applied for asylum in

2001, of which 1013 were admitted into the territory. The main countries of origin were Sierra Leone, Iraq, India, DRC, Guinea and Sri Lanka.

Hungary: 2.018 separated children applied for asylum during 2001, almost doubling the number of the previous year (1.170 claims). Most of the children came from Afghanistan while other representative countries were Bangladesh and Sierra Leone.

Romania: 16 claims for asylum, which are currently being processed, were lodged by separated children in January 2002.

Switzerland: According to the Statistics from the Federal office for Refugees, 1.387 separated children applied for asylum in 2001. Most of them came from Guinea and Sierra Leone. In 2000 there were 723 claims while in 1999 the number of applications was up to 1775.

---

## Publications and Websites

### - **Inquiry: AUSTRALIAN HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION'S INQUIRY INTO CHILDREN IN DETENTION**

The Human Rights and Equal Opportunity Commission is an independent statutory body monitoring human rights protection and anti-discrimination laws in Australia.

Following a 1998 report under the title «Those who've come across the seas: Detention of unauthorised arrivals», available at [www.humanrights.gov.au/human\\_rights/asylumseekers/index.htm#seas](http://www.humanrights.gov.au/human_rights/asylumseekers/index.htm#seas), the Commission is now organising an inquiry on children in detention. Background papers outlining applicable international standards and based on the CRC and UNHCR's guidelines were compiled in order to assist organisations and individuals wishing to make submissions to the Inquiry. The papers cover Introduction, Culture and Identity, Mental Health and Development, Health and Nutrition, Disabilities, Education, Legal Status and Detention. Both the papers and the Inquiry are available at

[www.humanrights.gov.au/human\\_rights/children\\_detention/background.html](http://www.humanrights.gov.au/human_rights/children_detention/background.html)

In addition, the Commission monitors various detention centres each year and reports from the visits are also available on the website.

-The Senior Regional Policy Advisor for the SCEP Programme published the article «Separated Children seeking Asylum: the most vulnerable of all» in the Forced Migration Review issue of January, published by the Refugee Studies Centre, in Oxford.

The Belgian magazine Nouvelle Tribune will be publishing in April an article written by Kate Halvorsen on “Separated Children: The forgotten Asylum-Seekers”.

A similar article in German was submitted to the annual publication of the Deutsche Stiftung für Flüchtlinshilfe.

All three article are available upon request.

- The Service Social d'Aide aux Emigrants, in Paris, published a collection of texts regarding separated children issues. The collection of documents, made by Catherine Bourgeade, contains a brief introduction on the situation of separated children in France and is to be distributed among relevant actors dealing with separated children The aim is to inform and raise awareness about for their special needs and problems in France.

- David Barret and Alyson Brown of the Luton University published a book entitled "Knowledge of Evil", which analyses the problem of prostitution of asylum-seeking children. According to the authors there are about 5,000 young people working in the sex industry in the UK and a growing number of them are asylum-seeking children.

*MNS, February 2002*

---

## Programme Update

- On 4 to 8 February, the Senior Regional Policy Advisor went on mission to Bucharest where she meet with the Director

of the National Refugee Office; the Director of the National Authority for Child Protection and Adoptions; the Task Force on separated children and with the Directors of UNICEF and Save the Children Romania. She also visited two reception centres, which accommodate separated children, and the Forensic Institute, where age assessment methods were discussed.

-On 25-26 February, the Senior Regional Policy Advisor attended the EU focal point meeting, which was held in Brussels.

-On 5 to 7 March a Training of Trainers workshop took place in Budapest, Hungary, attended by the Senior Policy Advisor and the Programme Assistant.

---

## Calendar

- 11 April, a SCEP network program meeting will take place in Madrid, and on 11-12 a meeting of UNHCR focal points will be held.
- A Steering Committee Meeting is planned for 28 May in Geneva (postponed from 15 March)

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