

# NEWSLETTER

## Separated Children in Europe Programme

### November, December 2000 - January 2001

Issue N°2

## HAPPY NEW YEAR !

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\*\*\*This summary has been prepared from publicly available media sources. However, it does not reflect UNHCR and SCEP's views, nor can UNHCR vouch for its accuracy.

#### News on Separated Children

**Austria:** 16 Afghan separated children were among a total of 53 refugees found at the Eastern Austria border on the night of the 4 Dec. Police said inquiries were underway about suspected members of a crime ring trafficking in human being, but have no details. Near Mistelbach in lower Austria province close to the Czech border, police found also 19 Romanians, including 4 women and 5 children. *The Refugee Daily, 5 Dec. 00.*

**Greece:** A growing number of Afghan separated children, mostly aged between 14-17 years without shelter and facing difficulty in accessing the asylum procedure has recently been the focus of attention of the Greek Council for Refugees (GCR), UNHCR and the Ministry of Health and Welfare (MoH). The need for a special centre to house separated children has become increasingly evident. The MoH agreed to support the establishment of such a centre using an existing state-sponsored boarding school, under the aegis of the Ministry of Education in Anoya, Crete. The centre can accommodate up to some 35 separated children. Discussions have been held with Save the Children and the Ecumenical Refugee Programme to establish a series of meetings and trainings as of January 2001 to improve reception conditions for separated children.

#### **Ireland: IMPROVED ACCOMODATION FOR SEPARATED CHILDREN.**

At present, the vast majority of separated children are housed in B&B or hostels. The Separated Children's Unit of the Eastern Health Board in Dublin, a newly established team of seven social workers assisting in providing welfare services for separated children in Ireland, will work closely with these hostels and assist in development of services, access to education, etc. *Clean Housing* – an Irish Trust – is establishing a residential home for separated children, which is due to open in January 2001.

**Germany :** On October 26, Head of Sub Office Nuremberg attended the regular meeting of the Bavarian Working Group on separated children. This initiative is one of its kind in gathering various German NGO and experts dealing with separated children. The main themes of discussion were the integration of the CRC into German law and the issue of deportation of separated children.

A seminar organized by the NGO Federal Association on Unaccompanied Minor Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge) is planned for the 7 -9 March in Hofgeismar near Kassel. Issues being discussed in working groups include legal guardianship, cross-cultural communication and a uniform 'clearing procedure'. Invitation is open to anyone

interested and German speaking ! For information please contact M. Gerhard, tel/fax: +49 911 34 60 61 before 31 January.

**France: REPORT DENOUNCES THE BAD CONDITIONS OF DETENTION IN WAITING ZONES.** Louis Mermaz, a socialist member of Parliament accused the French authorities of neglecting the reception conditions of foreigners in waiting zones where many separated children are held. Following several visits to different centres, he describes them as a shame for the Republic and calls on the Government to take action. In his report, L. Mermaz highlights the situation of separated children, whom should not be denied access to French territory and pronounces himself against the draft legislation currently debated (See section on Refugee/Asylum Policy Update). *Le Monde* 16.Nov 00, p. 11.

**The Netherlands:** The Dutch conservative newspaper *Elsevier* highlights the increasing number of separated children coming to the Netherlands each year as a problem. Denouncing a too liberal asylum policy, *Elsevier* calls for better age assessment methods and a less 'attractive' asylum system. *Elsevier*, 2 Dec 00, p. 5.

**Latvia : UNIFEM LAUNCHES PROJECT TO PREVENT THE TRAFFICKING OF SEPARATED CHILDREN IN LATVIA.** UNIFEM will launch a new project in Latvia next year to prevent the trafficking of adolescents. It will be done in collaboration with the Youth Health Centre Council of Latvia, the International Organization of Adolescents and the Genders Community Youth Organization. The project consists of a nationwide education campaign to raise awareness on the prevalence of human trafficking, as well as the incorporation of a special module on the issue of trafficking into the educational programs of teenage centres throughout Latvia. Project partners will also work with local NGOs and government organizations to develop a National Action Plan for the prevention of trafficking.

For more information, contact Alison Boak at [ALIBOAK@aol.com](mailto:ALIBOAK@aol.com). From the electronic newsletter of the united nations development fund for women (unifem)

**Switzerland : AGE ASSESSMENT METHOD NO LONGER CONSIDERED AS RELIABLE.** According to figures from the Federal Refugee Office, in 1999, 1775 asylum were under 18. X-ray tests carried out in 344 cases to determine age suggested that 80% of the cases were 18 or older. After having consulted a number of experts in the field who confirmed a large margin of error of this age assessment method, the Committee on Appeals on Asylum (CRA) decided to stop using x-ray tests of the bones for age determination. For

further information please contact Marylaure Garcia, Secétariat présidentiel CRA, tel: 031 322 00 26, fax: 031 323 72 20, Email: [marylaure.garcia@ark-cra.ch](mailto:marylaure.garcia@ark-cra.ch)

**United States: THE "LOST BOYS".** Some 3600 separated children from southern Sudan are being sent from refugee camps in Kenya to the US in a highly controversial resettlement programme. Many of these so-called "Lost boys" who have been lost from parents and homes for up to 15 years, were forcible recruited to armies. By mid-January 566 had left Kenya and the rest are soon to follow. Critics of the programme question whether the best interests of the child have been properly assessed on an individual basis and whether this is indeed the best longterm solution for these boys. *Boston Globe* article 7/1/01. Report by *European-Sudanese Public Affairs Council, January 2001*.

**Australia: SEXUAL ABUSE IN CLOSED CENTER.** Sexual abuse of children has been taking place in Woomera Detention Centre in South Australia. In a letter to immigration minister Philippe Ruddock, 12 NGOs called for better treatment, for qualified early childhood staff and for children to be able to leave the centre to go to school and excursions. For more information, Eileen Pittaway, *ANCORW & Centre for Refugee Research, UNSW – mobile: 0418 462 422*.

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## Refugee/Asylum Policy Update

**Spain: GOVERNMENT SHOWS INCREASING INTEREST FOR THE ISSUE OF SEPARATED CHILDREN.** The Spanish Government includes a specific chapter on separated children in its new Global Programme for the Regulation and Co-ordination of Aliens and Immigration. It recognises the need for appropriate reception centres for separated children. UNHCR Branch Office has made comments to the Spanish authorities and the Representative raised the issue at a Parliamentary session held in December 2000.

**Ireland:** The Government of Ireland recently published an impressive "National Children's Strategy". It's a holistic approach towards implementing the rights of the child and contains the following actions for separated children/refugee children, among others :

- An anti-racism public awareness campaign will be launched, a key part will be aimed at children through the education system and youth development groups.
- Research will be conducted into the needs of refugees including refugee children, living in Ireland.

- The specific needs of non-English speaking children will be recognised and additional resources targeted to enable them to participate fully in mainstream school classes and activities.
- Separated children seeking refugee status will be treated in accordance with best international practice, including the provision of a designated social worker and Guardian –Ad-Litem.
- Public services will be provided in ways that take account of and respect the specific needs of children from social, ethnic, cultural and linguistic minority groups and specific staff training will be provided.
- Ethnic, cultural and linguistic diversity considerations will be taken into account in all relevant national and local level public policy development and service delivery.

*From The National Children's Strategy, "Our Children – Their Lives" P. 71. See references below.*

**France: FRENCH GOVERNMENT TO APPROVE RECEPTION CONDITIONS OF SEPARATED CHILDREN.** Due to the arrival of an increasing number of separated children on French territory, the French Ministry of Interior proposed in September a draft legislation amending *article 35 quarter* of the immigration law. This article refers to the placement and detention of foreigners in waiting zones, to whom access to the territory is refused. Specific attention is given to separated children; the draft legislation provides for appointment of a guardian who will assist the child during her or his stay in the waiting zone and will represent him or her in all administrative and legal procedures. The draft legislation which has just been prepared has been criticized by many NGOs for aiming to organise the children's stay in waiting zones prior to return rather than improving their protection in general *Le Monde, 20.11.00, p.11*

**Austria: CONDITIONS OF DETENTION OF MINORS TO BE IMPROVED.** On 6 October, Austrian Minister of Interior, Ernst Strasser (ÖVP) announced he had issued a decree to improve the conditions of detention of children. Under the terms of the decree, separated children are entitled to the assistance of a Legal representative competent in legal matters regarding refugees seeking asylum. *Migration News Sheet, November 2000.*

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## European Asylum Harmonisation

**EUROPEAN COMMISSION PROPOSES ACTION TO COMBAT TRAFFICKING IN HUMAN BEINGS AND SEXUAL EXPLOITATION OF CHILDREN.** Alongside a

Communication, the Commission presents two proposals for framework decisions on approximation of national criminal law and addressing criminal procedures. These framework decisions aim to provide legal protection for separated children trafficked into and within the European Union for exploitation purposes. *COM (2000) 854, 21.12.00*

**SWEDISH EU PRESIDENCY:** Sweden started its six-months Presidency of the Council of the European Union on 1 January 2001. During the Presidency, there will be several opportunities to raise issues related to separated children :

-1-2 March Seminar in Norrköping: "Children affected by armed conflict and forced displacement – a child rights perspective in development in cooperation and migration policies" hosted by the Minister for Development Cooperation, Asylum and Migration Policy . The Deputy High Commissioner, Søren Jessen-Pedersen, and Director of Department of International Protection, Erika Feller, have both been invited to speak.

-23-24 April Seminar in Norköpping: "International Protection within one single asylum procedure". This seminar will be a contribution to the preparations for a Community legislative instrument (Directive) on the application of the refugee definition and a Community instrument on complementary forms of protection. Very limited NGO participation is foreseen (two or three NGOs, including ECRE). The seminar will look into specific issues of differences in interpretation of the refugee definition (non-state agents, social group, gender-related persecution), complementary forms of protection and the benefits of a single asylum procedure. It also offers a chance to discuss child-specific forms of human rights violations as related to the refugee definition.

-7-8 May in Visby, Götland: Parallel NGO meeting on EU asylum issues organised by the Swedish Amnesty International.

**FINGERPRINT DATABASE APPROVED:** A European Union justice and home affairs ministers meeting in Brussels on the 30 November approved a massive fingerprint database to help curb abuse in asylum applications, Eurodac. Ministers today and tomorrow will take the first formal steps to ensure the computer is fully operational by the end of 2001. Technical work has been almost completed but a location for the database has yet to be finalised. In the meantime, Ireland has agreed bilateral deals with Britain and France for the exchange of fingerprints. *The Refugee Daily 30.11.00.*

**FEMALE CIRCUMCISION ASYLUM CALL** Campaigners are asking European Union states to give asylum to women and girls fleeing the

threat of female circumcision. The European Union's social affairs commissioner, Anna Diamantopoulou pledged to take a strong stance against female genital mutilation. The World Health Organisation estimates that as many as 140 million women and girls in Africa have been affected and the number continues to rise by around two million a year. Other MEPs also want EU states to recognise the threat of female circumcision as a reason for granting refugee status. *The Refugee Daily*, 30.11.0

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## Programme Update

- Save the Children has appointed another coordinator for the Programme; Sergio Kristensen. Contact details: Save the Children Denmark, Rantzausgade 60, DK-2200 Copenhagen. Tel: +45 35 24 85 12 (d), +45 35 36 55 55 (switchboard), fax: +45 35 39 11 19, E-mail: [sk@redbarnet.dk](mailto:sk@redbarnet.dk)

- The second English edition of the Statement of Good Practice has been finalised, printed and distributed.

- A French translation of the UNHCR 1997 "Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum" is in the process of being finalised.

- 7 Draft country assessments have been completed by Croatia, Lithuania, Slovakia, Hungary, Slovenia, Romania and Bulgaria. The rest are expected by the end of the month and work on a summary report is planned to start in February.

- On 5 December, a meeting on EU advocacy strategy was organised in Brussels with Save the Children Advisor, Save the Children Europe liaison officer, Senior Policy Officer and EU Affairs Officer.

- On 5, 6 and 7 December, a Pilot Training of Trainers Workshop took place in Brussels for 6 NGOs and 5 UNHCR participants. The objectives of the workshop was to test the Training Guide based on the programme Statement of Good Practice. The Training Guide will be incorporated into a final redraft in February 2001.

- 8-15 December, Sr. Regional Policy Officer and Programme Assistant participated in the fifth International Interdisciplinary Course on Children's rights organised by the University of Ghent (Belgium). The course provides information and in-depth knowledge on a broad variety of children's issues including refugee children. The UN Convention on the Rights of the Child and its implementation figures largely in the programme. Participants are from all over the world (this year from 47 different countries) from a broad range of professional background.

*This very unique and highly interesting course might be the last one as funding, mainly from the EU has been cut. If you are*

*interested in the course, let us know as this might assist the University of Ghent in keeping the course alive*

- On 18 December, a visit to the Netherlands was organised to gather and discuss country specific situation with NGO and Government officials.

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## Publications and Web-sites

- **The National Children's Strategy, "Our Children - Their Lives" Government of Ireland publications sale office, sun alliance house, Molesworth street, Dublin.2.** To order E-mail: [child\\_strategy@health.irg.gov.ie](mailto:child_strategy@health.irg.gov.ie) or Tel: +353 1 418 0582, Fax: +353 1 418 0819.

- **'Hidden scandal, secret shame'**, Amnesty International, 2000. A global report on the torture of children. It is available in PDF format on <http://www.amnesty.org>. You can also download the book by individual chapters

- **Ombudswork for Children.** Innocenti Digests 1. The first Innocenti Digest provides information on the recent and expanding phenomenon of ombudsmen/commissioners for children. It discusses the history of ombudswork; patterns in the origin, development, mandate and status of the different types of ombudsman offices; the functions of ombudswork in theory and practice; and characteristics essential to this kind of work. The Digest ends with details of 16 existing ombudsmen/commissioners for children and a selected bibliography on the topic.

This publication can be downloaded from <http://www.unicef-icdc.org>

- **The State of the World's Refugees, Fifty Years of Humanitarian Action**, Oxford University Press, New York, UNHCR, 2000.

This publication provides a detailed history of 50 years of UNHCR international humanitarian action on behalf of refugees and displaced people, covering all the major refugee emergencies situation of the last 50 years. ISBN: 0-19-924104-X. To order a copy in any available languages contact UNHCR Centre for Documentation and Research, Fax: +41 22 739 73 67, E-mail: [cdr@unhcr.ch](mailto:cdr@unhcr.ch)

- **"Implementation Handbook for the Convention on the Right of the Child"** UNICEF, 1998, ISBN 92-806-3480-1, Regional Bureau for Europe, Palais des Nations, 1211 Geneva 10.

- The International Labour Organisation adopted a new international Convention: **The Worst Forms of Child Labour Convention N° 182.** To read it go to:

[www.crin.org/fullweb.nsf/b54d4788d4114110025651500477601/2feaacd277df43198025679b002d7901?](http://www.crin.org/fullweb.nsf/b54d4788d4114110025651500477601/2feaacd277df43198025679b002d7901?OpenDocument)

OpenDocument  
- The Convention on Transnational Organized Crime and the two Protocols: **Protocol against the Smuggling of Migrants by Land, Sea and Air** and the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially**

**Women and Children** are available on the following web-site:

[www.uncijn.org/Documents/Conventions/dca/toc/final\\_documents\\_2/index.htm](http://www.uncijn.org/Documents/Conventions/dca/toc/final_documents_2/index.htm)

- Brett Rachel and Mc Callin Margaret, "**Children - the invisible Soldier**", Save the Children, 2000, 200 SEK, Code 9098. This book is an update and expanded edition of the report by the same authors, which was commissioned by the UN under the Machel Study. It is based on case studies from 26 countries. To order by post: Save the Children, Publishing, 107 88 Stockholm, or send a fax: +46 8 698 90 12. Or visit Save the Children on-line bookshop on [www.rb.se/bookshop](http://www.rb.se/bookshop)

- **An independent evaluation of the impact of UNHCR's activities in meeting the rights and protection needs of refugee children** has been commissioned by the Evaluation and Policy Analysis Unit (EPAU). The review will use the five components of the follow-up process to the Machel study as a broad analytical framework. One of these components is on separated children. Work is expected to commence within the first quarter of 2001.

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## Calendar

- Three regional Training of Trainers will be organized next year. Tentative dates are: May 22-24; July 3-5 and 30 Oct – 1 Nov.
- Programme Steering Committee Meeting the 9 February in Brussels.
- Regional Programme NGO meetings will take place in 2001:
  - 19-21 Feb : Nordic/Baltic countries meeting in Vilnius
  - 2-4 April : Western countries meeting in Dublin
  - 10-12 May: Southern countries meeting in Athens
  - 1-2 June: Central Europe/German speaking countries meeting in Orebro