

NEWSLETTER

Separated Children in Europe Programme

July –October 2000

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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

The Netherlands : Organisations assisting separated children have stressed the need for traumatised children to be supervised twenty-four hours a day. The plea follows an incident whereby a 16-year old boy from Sierra Leone, sharing a home with two other boys aged 15 and 17, was killed. Social workers visited the boys in question for eighteen hours a week. Younger children are usually placed with foster families.

From the Dutch Newspaper Het Parool, 25 July, p.3

The Netherlands: In a memorandum presented to State Secretary for Justice, Job Cohen, the organization *Valentine* criticises the reception of separated children : only minimum guidance, minimum education, hardly a future perspective. The organization proposes to give separated children between 12 and 18 years an English vocational training, within a 'boarding school' system where the children will be under surveillance 24 hours a day. *From the Dutch Newspaper Trouw, 2 Oct, p.3*

Italy: On 12 October Italy's navy rescued 461 immigrants/asylum seekers, including 128 separated children. Most of the passengers were ethnic Kurds from Iraq, Palestinians, Afghans, Syrians and Indians. Kurds who ask for asylum

typically are released while Italy considers their request. *From the Refugee Daily 12 October*

Spain 10 SALVADORAN CHILDREN HAVE APPLIED FOR POLITICAL ASYLUM. On 19 July, 10 Salvadorian children applied for asylum in Orense, capital of the region of Galicia. These children were brought to Orense eight months ago by a Spanish priest after their country was devastated by the hurricane Mitch. The consul of El Salvador in Spain, Mr. H. Tiguero in visit in Orense expressed the wish that all the children be returned to El Salvador. The application for political asylum was an immediate reaction to that. *From the Migration Issue—August Issue*

Spain: THE REGIONAL GOVERNMENT OF ANDALUCIA WANTS TO SHARE THE COSTS OF RECEPTION OF SEPARATED CHILDREN WITH EU PARTNERS. In 1998, 429 Moroccan children arrived in Andalucia and a total of 858 Moroccan children arrived in 1999. During the first four months of this year, another 340 Moroccan children arrived and the Minister of Social Affairs for Andalucia, I. Perrez believes the total figure for this year will reach 3,000. The care for these children is the responsibility of the regional governments but financial support should come from the central government in Madrid. In reality, financial help is rare. To cope with this phenomenon, I. Perez is calling for support from EU Member States. *From the Migration News Sheet—September Issue*

Sweden, AGE DISPUTES. According to the Swedish Immigration Board (SIV), a number of young asylum-seekers lie about their age. An asylum seeker who is under 18 years and arrives separated is considered as a child and cannot, in principle, be expelled from Sweden without contact being made with parents or relatives in the home country or third country. During the first 6 months of this year, 186 separated children sought asylum in Sweden. *From the Migration News Sheet—September Issue.*

Sweden, THE BEST INTEREST OF THE CHILD. The Ombudsman for children in Sweden has published a report (see Publications below) about how the principle of best interests of the child is applied to asylum applications by families. Although it focus on children in families, there are interesting aspects and findings, such as a listing of criteria for assessment of best interest :

- The child's need to be with its parents
- The child's need for health care including medical care, rehabilitation and habilitation
- The child's relationship to its parents including their ability for emotional and material support
- The child's need to develop
- The child's attachment to Sweden (i.e. country of asylum)

From "Barnets bästa I asylärenden, en studie av Migrationsverkets praxis I asylärenden med barnfamiljer", 26 September .

Sweden: EASIER FOR CHILDREN SEEKING ASYLUM TO BE GRANTED PERMANENT RESIDENCE PERMITS. The Migration Board has decided to grant permanent residence permits, instead of temporary ones, to separated children whose parents could not be traced. Tracing will however still take place and, if successful, attempts will be made to reunify these children with their parent(s). *From the Migration News Sheet—October Issue*

Austria: DETENTION. In reply to a question raised by a Green MP, the Minister of Interior informed that in 1999 about 600 children under the age of 18 were kept in a detention centre pending deportation for a period of between five and 30 days. *From the Migration News Sheet—July Issue*

Austria: FORMAL PROHIBITION OF DETENTION OF CHILDREN UNDER THE AGE OF 14. On August 10, Human Rights Council presented a report to the Ministry of Interior containing recommendations against detention of separated children under 14 pending deportation. Ernst Strasser (ÖVP), MOI said he was prepared to discuss the matter and to extend the ban on detention to children under the age of 18, suggesting to place them in guest house or something similar pending deportation. *From the Migration News Sheet—September Issue.*

Rwanda: REPATRIATION OF SEPARATED CHILDREN. Rwanda has asked the UN to help trace and repatriate about 30 000 children evacuated during the 1994 genocide and adopted in Europe. The appeal was made by President Paul Kagame's wife. During the genocide, Tutsi children were among the victims who were hacked to death by soldier and militiamen. Those who survived were flown to safety by International aid agencies, mainly to Italy, Belgium and France. *From the Refugee Daily—August 15*

Indonesia: Pro-Jakarta Timorese have taken 130 East Timor children from their parents in West Timor refugee camps and put them in poor orphanages in central Java, reports the Sydney Morning Herald. The men planned to indoctrinate the children into becoming political activists pushing for East Timor to rejoin Indonesia, humanitarian investigators and other sources said. Investigators believe the children - aged between 6 and 17 - are among up to 1,000 separated from their parents at the height of violence in East Timor last year and later from refugee camps in West Timor. Investigators fear many of the children have been forced to work in factory sweatshops, plantations or as prostitutes. The 130 children were found living in primitive orphanage shelters under the supervision of caring Catholic nuns and volunteers who struggle to provide food, clothing and medicines to look after them. UNHCR, whose representatives have twice visited the children, said it wanted to contact the parents and arrange for the families to be reunited. But the withdrawal of aid workers from West Timor after the killing of three UNHCR aid workers has frustrated the plan. "The principle of family unity is central to this," said Peter Kessler, UNHCR spokesman in Dili. "The UNHCR will support efforts to reunite these children with their families in either West Timor or East Timor." *From the Refugee Daily, East Timorese children separated 25 October*

Refugee/Asylum Legislation Update

France, PROPOSAL TO AMEND LAW LIMITS SEPARATED CHILDREN'S PROTECTION. Five human rights agencies denounced the proposal of an amendment aimed at enabling separated children over 16 to take action before a court. According to these associations, the real motive of the proposal to amend the law is to enable the extension of the period during which persons aged over 16 may be held in detention pending their possible expulsion. Statistics provided by the Ministry of Interior state that 843 separated children arrived in Roissy Airport in 1999. In addition, estimation shows that, each year,

more than one thousand separated children arrive in France by sea, air or land. *From Le Monde—Saturday 8 July, p.12*

Germany, RESOLUTION CALLING FOR A RIGHT OF RESIDENCE FOR CERTAIN CATEGORIES OF REFUGEES IS UNANIMOUSLY ADOPTED IN THE BUNDESTAG. On 7 July, members of the various parties who took part in the vote in the Bundestag voted unanimously in favour of a resolution calling on the Federal Government to put a halt to the expulsion of certain categories of refugees from Bosnia and Kosovo including separated children. *From Migration News Sheet—August Issue*

Austria, FAMILY REUNION: The 9 July, the Constitutional Court has ruled that denying 14-18 year olds the right to family reunification in Austria is unconstitutional. The Court stressed that an important relationship of dependence between parents and children still exists for those older up to 18. *From the Migration News Sheet—August Issue*

European Asylum Harmonisation

RECEPTION CONDITIONS : In July , the French delegation in the Working Group on Asylum produced a Discussion Paper on harmonisation of reception conditions. The paper includes special reference to separated children. The specific needs of vulnerable groups, such as separated children, must be addressed carefully always taking the “ best interests of the child” into consideration. Family unity is essential to provide separated children with stability and support. Therefore, reception matters must be considered alongside common asylum procedures and the Dublin Convention. The paper also suggests that an instrument on reception should only address applicants with refugee status, and not subsidiary/complementary forms of protection. This would have consequences for separated children granted subsidiary/complementary forms of protection. The right to education for all asylum seeking children throughout the procedure is being proposed.

The French Presidency hopes to adopt Conclusions on reception conditions at the forthcoming Justice and Home Affairs Council 30 Nov/1Dec based on this paper .

MINIMUM STANDARDS ON PROCEDURES IN MEMBER STATES FOR GRANTING AND WITHDRAWING REFUGEE STATUS. In September the European Commission adopted a proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status. The

proposal introduces specific procedural guarantees for persons with special needs, including separated children. This includes the appointment of a guardian; interview by specially trained officials and age conducting assessments. *The Council Directive is available in the 11 official languages under the following web-site: http://europe.eu.int/eur-lex/en/com/greffe_index.html. Please note that the document's reference is: COM (2000) 578 (01).*

EURODAC . Efforts to reintroduce amendments regarding fingerprinting of children were rejected by the European Parliament. The amendments had called for the raising of the minimum age at which asylum seekers could be fingerprinted from 14 to 18 years. *From Save the Children Brussels Office Newsletter—October Issue*

Programme Update

-Visits to Poland, Austria, Germany, Italy, Sweden and HQ Geneva were organized to gather and discuss country specific situations and participate in meetings, seminars and press conferences.

- On 17 July, Senior Policy Advisor and Programme Assistant met members of the Belgian Aliens Office (Office des Etrangers) to discuss their highly critical response to the report ‘Separated Children Seeking Asylum in Europe : A Programme for Action’.

- In the event of the conference called “Children First and Foremost-Policies a Towards Separated Children in Europe” 21-22 September in Stockholm, several other events were arranged in the time period 19-24 September. A Conference Statement is in the process of being finalized and will be sent to all participants and others who so wish.

-Central European and Baltic States are working on their country assessments which are planned to be finalized by the end of this year.

-The Separated Children in Europe Web-site is established. See Web-site address below.

- An external consultant has been hired to produce a training module for the Programme. A pilot training of trainers is planned for the 5-7 December in Brussels.

- The second edition of the Statement of Good Practice will be finalized by the end of November.

- A lobby guide mainstreaming separated children issues in EU asylum harmonization instruments is in the process of being finalised.

Publications and Web-sites

- Wendy Ayotte; **“Separated Children Coming to Western Europe”**. Save the Children; 2000. This report can be obtained from Save the Children UK, 17 Grove Lane, London SE5 8RD, Tel: +20 7703 5400, www.savethechildren.org.uk, ISBN 1 84187 036 6.

- John Morrison; **“Trafficking and smuggling of refugees, the end game in European asylum policy?”**, UNHCR 2000. The report calls on the EU to develop common measures to prevent and sanction trafficking. This publication is available in English and can be obtained from UNHCR Evaluation and Policy Analysis Unit E-mail:hqep00@unhcr.ch

- **“Reception Standards for Asylum-Seekers in the European Union”**, UNHCR July 2000. It has been published as a contribution to the preparations for a Community legislative instrument on common standards for reception of asylum seekers. Each country related chapter contains a section on separated children. This study can be downloaded from UNHCR web-site: www.unhcr.ch

- Alston Philip, Gilmour Walsh Bridget; **« The Best Interests of the Child: towards a synthesis of children’s rights and cultural values »**, UNICEF, ICDC Florence, 1996. This paper investigates the dilemmas that arise in applying the ‘best interests’ principle particularly as the term is used in Article 3(1) of the UN Convention on the Rights of the Child—to concrete situations involving the treatment of children. To order a copy contact Eve Lecky, tel:+ 39 055 203 32 22. E-mail: Florence.orders@unicef.org

- Burke Mary Anne, **« Child Institutionalization and Child Protection in Central and Eastern Europe »**. UNICEF, ICDC Florence, Innocenti Occasional Papers, 1995. Economic Policy Series 52. This paper can be obtained by Innocenti Research Centre, see contact details above.

- Micklewright John, Stewart Kitty, **« Child Well-Being in the EU and Enlargement to the East »** Innocenti Working papers 75, Feb 2000. It can be downloaded in English from Innocenti web-site (see address below). This paper analyses measurable differences in the well-being of children between current club members, the EU Member States, and the 10 Central and Eastern European applicants seeking admission. To obtain this paper see contact details above.

- **Action Aid** has published a **European Union briefing**. The Briefing gives a comprehensive and extensive information on the European Union and its institutions: how they work, how to influence the, the different budget, etc. It can be obtained from Louise Hilditch, EU Policy Adviser, Action Aid, Rue du Commerce, B-1040, Brussels; Tel:+32 2 502 55 01.

E-mail :louise.hilditch@skynet.be. This information is given by Save the Children Brussels Office Newsletter, May 2000, Issue 35.

- Machel Graca, **“War Affected Children”**, Sept. 2000. This report highlights the fact that despite commendable efforts by various governments, national and international groups and UN agencies, no one has done enough or moved quickly enough to safeguard the millions of children suffering through wars. The report states that HIV/AIDS is the most powerful new threat facing children in conflict-affected countries and appeals for urgent measures to address its impact on children. Copies of the report can be obtained at: <http://www.war-affected-children.org/machel-e.asp>

- **“Barnets bästa i asylärenden”**, Barnombudsmannen Box 22106 104 22 Stockholm Besök: Norr Mälarstrand 6, Tel: + 08 692 29 50.

WEB-SITE

The Separated Children in Europe Programme Web-site address is :

<http://www.separatedchildreneurope.gla.ac.uk/>
or <http://www.sce.gla.ac.uk>

Our site is hosted by The Centre for Europe's Children, <http://eurochild.gla.ac.uk/>

United Nations Children’s Fund Innocenti Research Centre : <http://www.unicef-icdc.org/>

Calendar

November 16-17: Meetings at HQ of members of Programme Steering Committee.

December 5-7: A pilot training of trainers course will be organised in Brussels. The trainer will be consultant Mr. Bruce Britton.

December 8-15: The international Interdisciplinary Course on Children’s Rights at University of Ghent, Belgium.