



# NEWSLETTER No. 37

## Spring 2012

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The content has been prepared from publicly available sources and information provided by the members of the Separated Children in Europe Programme's NGO Network and UNHCR SCEP Focal Points.



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### SCEP Programme Update

#### SCEP NGO network meetings

The second bi-annual NGO Network meeting was held in Berlin 16-18 November 2011 with the participation also of 2 representatives from the SCEP Youth Network and partly a representative from ECRE as well as a consultant on age assessment.

At the meeting the network was informed about activities and initiatives since last meeting, informed and consulted on ongoing and upcoming issues on the EU agenda and informed about the finalised EC Study on return of minors conducted by ECRE & Save the Children including the closing conference. Four thematic groups had meetings and informed each other of ongoing and upcoming activities and a session was held for consultation with the network on the initiated drafting of a position paper on age assessment. On the last meeting day field visits were arranged to three different reception facilities for separated children in or near Berlin.

The first 2012 bi-annual NGO Network meeting will take place in Budapest on 5-6 June linked to a joint thematic meeting with UNHCR SCEP Focal Points on 7 June.

#### Age Assessment Position Paper to be launched soon

The SCEP Thematic Group on Age Assessment has, based on its previous research and experts consultations, been drafting a Position Paper on age assessment to be launched and disseminated this summer – as well as published on the SCEP web site. The dissemination will be accompanied by advocacy steps and follow up activities.

#### EASO age assessment consultancy

Upon invitation to feed into a consultancy undertaken by the European Asylum Support Office EASO, SCEP submitted our views, concerns and recommendations regarding age assessment procedures and practice.

### **SCEP Youth Network**

SCEP supported a representative from the SCEP Youth Network to participate in the Study Session ‘The role of media on the road to social inclusion of young refugees: hearing the voices of young refugees in Europe’ organized by VYRE, Strasbourg 4 – 10 March

### **New SCEP members**

The Human Rights League, Slovak Republic, and Don Bosco Flüchtlingswerk Austria have become new members of SCEP as per 2012.

### **SCEP contact information**

Updated contact information for the SCEP Programme management, Steering Committee, NGO Network and UNHCR SCEP Focal Points is available at

[www.separated-children-europe-programme.org/separated\\_children/about\\_us/contacts/index.html](http://www.separated-children-europe-programme.org/separated_children/about_us/contacts/index.html)

## **The European Union & the Council of Europe**

### **EU Expert Group on Unaccompanied Minors**

How and why should States engage in tracing the family of unaccompanied children travelling into Europe from distant countries, from Afghanistan to Guinea to Sri Lanka? If relatives are found, how to decide whether children should be sent back? For example, what safeguards do you need to ensure children are not simply reunited with families who were involved in trafficking them?

At a meeting of the Commission Expert Group on Unaccompanied Minors at the end of March, many difficult issues were tabled.

Save the Children EU office moderated part of the meeting, with national authorities exchanging on experiences and presentations from a range of organisations active in the field including IOM and the International Red Cross.

The OSCE ODIHR is currently drafting a guide to human rights in the return of trafficked persons and recently invited Save the Children EU Office to participate in its ODIHR Expert Group Meeting in Warsaw. Save the Children made suggestions as to how the guide should ensure that the best interests of children are put at the centre of any actions in their regard. This includes ensuring there are proper processes to identify individuals as children, provide them with special protection and assistance, including guardians for unaccompanied children, and ultimately searching for durable solutions for trafficked children. Return is one option to be

considered but should never be an automatic response. The best interests of the child must be examined in the individual circumstances of each child.

### **Joint Danish Presidency and Save the Children Event on unaccompanied minors**

Save the Children is organizing a joint event with the Danish EU Presidency on 18-19 June in Copenhagen on unaccompanied children arriving in Europe: recent developments and practical tools.

The event is expected to focus on how to find durable solutions for children, in particular taking a look at the recently developed checklist and inventory of noteworthy practices and the guidance on best interests’ determination from UNHCR and UNICEF.

The event is intended to help national authorities design national processes which will help them fulfil their obligations under EU legislation and the UN Convention on the Rights of the Child.

### **EU Expert Group Meeting Report on Guardianship published**

In January 2012, the Commission distributed its report from the June 2011 meeting of its expert group on unaccompanied minors addressing the theme of guardianship. The report summarises the discussions and arrives at a series of conclusions, emphasizing the importance of guardianship for unaccompanied children and indicating core elements of guardianship that should be the basis of common EU standards. The conclusions also note the need to reinforce qualifications and training and the importance of transnational contacts between guardians. Save the Children EU Office had provided a scene setting presentation at the meeting on “why guardianship matters”.

### **Publication by the European Commission of the EU Study on Return of Children**

In January 2012, the European Commission published a study it had commissioned into return practices from EEA countries of minors to their country of origin, whether they are within families or unaccompanied. The study had been carried out by ECRE in partnership with Save the Children EU Office.

The report provides findings on the situation across the EEA as well as the situation in seven countries of return, including Afghanistan, Angola, Kosovo, Morocco, Nigeria, Sri Lanka and the Ukraine. It was accompanied by a checklist developed to support Member States when considering the return of children to third countries with an inventory of noteworthy practices. On November 7, a conference had been held in Brussels.

## **Committee on the Rights of the Child**

### **The United Nations create a complaints mechanism for children**

In a landmark step for children's rights, the UN General Assembly has adopted a new Optional Protocol to the UN Convention on the Rights of the Child (CRC) establishing a complaints procedure for violations of children's rights.

The new treaty will enable children, or their representatives, claiming that their rights have been violated to bring a complaint to an international committee of children's rights experts if they have not been able to get remedies for these violations in their countries.

Until this treaty, the Committee on the Rights of the Child was the only UN treaty body that was denied the power to examine individual cases. Cases concerning any violation of children's rights – from children who cannot access primary education to children forced into sexual exploitation, for instance – could be brought before the UN Committee on the Rights of the Child.

In order for a complaint to be reviewed, a State must have accepted the procedure.

### **Austria**

The NGO Report to the periodical review is finished and will be delivered to the Committee on the Rights of the Child soon. The report highlights the difficult situation of separated children concerning age assessment, housing, care, education, detention and return.

On 9th of February a NGO-delegation from Austria has reported to the Committee on the rights of the child about the situation of children in Austria. The topics at this meeting were lack of rights, support and protection given to separated children.

### **Denmark**

In March, Marta Mauras Perez, vice- chairperson of the Committee on the Rights of the Child visited Denmark. Save the Children had in corporation with the 'Coalition on the Convention on the Rights of the Child in Denmark' invited the reporter for Denmark, Marta Maurás, to come to Denmark as a follow-up to the concluding observations from 2011. The program included participating in a "children's meeting", visiting children of asylum seekers and separated children, meeting with the minister of social affairs, visiting municipalities, organizations etc.

### **Germany**

The Committee will presumably discuss the German state report in its session in June 2013. The

Bundesfachverband UMF is still preparing a parallel report, which will be published a few months before the session.

### **Hungary**

In 2012 the Hungarian Government and NGOs will report to the Committee on the Rights of the Child. At the end of 2011 NGOs have had consultation meetings and discussed the main topics and draft of the shadow report.

### **Italy**

Following the 58th Session of the Committee on the Rights of the Child held in September 2011, the Committee made remarks and recommendations relevant to separated children in Italy in October 2011 regarding respect for the views of the child, the need to strengthen the reception system including by way of a unified text on protection and reception of UASC; access to the refugee status determination system and collection of data on that group; further structural improvements to the protection of these children, from the institution of a "specific and permanent national authority to oversee the condition of unaccompanied children" to a unified, multidisciplinary age assessment procedure.

The following is an extract from those proceedings:

Respect for the views of the child

26. The Committee...notes as positive... Legislative Decree No. 25 of 28 January 2008 recognizing the right of unaccompanied children to be heard. The Committee, however, remains concerned at:

(c) the lack of systematic consultation of children in the process of making laws and policies affecting them at the national, regional or local level as well as the absence of more specific guidelines on children's participation in the development of future plan of actions concerning children.

Children deprived of a family environment

38. The Committee welcomes progress made towards the deinstitutionalization of care for children deprived of a family environment in accordance with Law No. 149/2001. The Committee, nevertheless, is concerned at the lack of minimum standards of services and care provided by alternative family-type communities or institutions and at the weak implementation of Law No. 149/2001 concerning the independent monitoring and registration of such communities. The Committee is in particular concerned at the lack of assessment of the quality of the services provided and lack of accountability of public funding received for hosting children. Furthermore, it notes with concern regional disparities in the use of foster care, and failure to adopt and adhere to

common guidelines and legislation concerning foster care.

39. As regards the right of foreign children to reunite with their families living in Italy, the Committee is concerned at lengthy procedures and that legislation transposing EC Directive 2003/86/EC into domestic law excludes nuclear families living in the State party.

40. The Committee recommends that the State party, within its competencies, ensure effective and equal implementation of Law No. 149/2001 across all regions and:

(a) Adopt nationally agreed minimum criteria and standards for services and care for all alternative care institutions for children deprived of a family environment, including “residential structures” such as family-type communities;

(b) Ensure independent monitoring by relevant institutions of the placement of all children deprived of a family environment and establish an accountability mechanism for persons receiving public grants for hosting such children;

(c) Undertake a comprehensive survey on all children deprived of a family environment and create a national register of all such children;

(d) Amend the Consolidated Law on Immigration with a view to explicitly specifying the right to family reunification and its application to all foreigners with this right, including families formed in Italy;

(e) Ensure the proper selection, training and supervision of foster families and provide them with adequate financial support and status;

(f) Take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.

#### Asylum-seeking and refugee children

63. The Committee welcomes the prohibition to expel or return persons under the age of 18 years and pregnant women under the immigration laws of the State party. It notes with concern however, that children of foreign origin can be expelled from the country for reasons of public order and State security and that the State party, in implementing the 2009 interception policy of migrants (“push-back” policy), has returned children, including unaccompanied children, without individual examination of the circumstances of each child or providing each child with a possibility to request asylum. The Committee is deeply concerned that some of the migrants pushed back have been identified as requiring international protection, in violation of the State party’s non-refoulement obligations. It is further of serious concern to the Committee that the State party has detained

children with their families when forcibly returning migrants, without the possibility to seek asylum.

64. While noting Legislative Decree 25/2008, the Committee is concerned that the State party lacks a framework law on political asylum. The Committee is concerned at the limited capacity and availability, overcrowding, and very poor conditions of reception centres for children, resulting in the placement of children in reception centres not intended for persons under 18. It notes with particular concern reports of sub-standard reception and living conditions for migrants, especially children, arriving in Lampedusa and other locations during the spring and summer of 2011.

65. In light of the above, the Committee recommends that the State party:

(a) Ensure that each child under its jurisdiction, whether at the high seas or on its territory, who seeks to enter Italy has the right to an individual examination of his/her circumstances and to be provided with prompt access to asylum procedures and other relevant national and international protection procedures ;

(b) Review domestic law and ensure that it prohibits the expulsion of persons under the age of 18, even for reasons for public order and state security, where there are substantial grounds for believing that there is a real risk of irreparable harm to the child;

(c) Put in place without delay an effective system of data collection and information storage of all children, including asylum-seeking and refugee children, with protection needs;

(d) Draw upon its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin in the implementation of the above recommendations.

#### Unaccompanied children

66. The Committee is concerned at the lack of a holistic and common approach in the State party with respect to unaccompanied children, including the absence of comprehensive guidelines and legal framework on unaccompanied children. It is concerned that existing legal protection and procedures for appointing guardians and issuing residence permits for unaccompanied children are unevenly applied across regions of the State party. The Committee notes the efforts by the Committee for Foreign Minors to improve the conditions for minors temporarily hosted in Italy, but notes that the Committee’s competence is limited to children who do not apply for asylum. It is a matter of concern also that a medical approach is increasingly used to determine the age of unaccompanied children which jeopardize in practice the application of the principle of the benefit of the doubt.

67. The Committee recommends that the State party introduce comprehensive legislation ensuring assistance and protection of unaccompanied children, drawing upon the principles set out in general comment no. 5 (2006) on treatment of unaccompanied and separated children outside their country of origin. In particular, the Committee recommends that the State party establish a specific and permanent national authority to oversee the condition of unaccompanied children, identifies their needs and addresses challenges in the current system and to develop operational guidelines on unaccompanied children, including on reception, identification, needs assessment and protection strategy. The Committee recommends that the State party adopt a unified age assessment procedure of unaccompanied children that is multidisciplinary and fully upholds the principle of the benefit of the doubt.

For further information:

<http://www.gruppocrc.net/The-activity-of-the-Italian-NGO-Group-for-the-CRC-in-Italy>

### **Netherlands**

On 3 April 2012 the 4th NGO report “Children’s rights in the Netherlands 2008-2012” was presented to the House of Commons. In this report the Children’s Rights Collective (in Dutch: Kinderrechtencollectief) expresses its worries about the most vulnerable children in the Netherlands. In 2013 the NGO report on the Children’s Rights situation in the Netherlands will be updated and submitted to the UN Committee on the Rights of the Child.<sup>1</sup> The first copy of the NGO report was handed to Khadija Arib, chairman of the youth committee of the House of Commons. The independent report was developed in collaboration with many organizations and experts and is signed by more than eighty organizations. The NGO report analyzes and comments on the Dutch (youth) policy and describes the situation of children’s rights in the Netherlands. In relation to separated children the report addresses the following topics: concerns about the large scale campus facilities and the damaging effects on the development of the separated children, the possible abolishment of the special residence permit for separated children (and the higher risks of exploitation because of this) and the lack of support and monitoring of children returning to their country of origin. The Netherlands currently only offers financial and

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<sup>1</sup> The NGO report is available at: <http://www.defenceforchildren.nl/images/68/1760.pdf>.

administrative support to children returning to their country of origin. Safe return of separated children should be better supported and monitored by the Dutch government.

### **Switzerland**

The child rights network Switzerland has made available a documentation of the parts of the 19th session of the Human Rights Council which concerned child rights.

In its newsletter the network also referred to the call for submission of the CRC on its Child Rights and Business General Comment. The network also made available a factsheet on this in German and French.

On the occasion of the adoption of the 3rd optional protocol a similar approach as well as some lobbying activities for the ratification of this protocol by Switzerland have started.

## **Changes and Developments in Law, Policies and Practice**

### **Austria**

Another amendment of the Aliens Police and Asylum Acts partially entered into force on 1 July, 1 October and 1 December 2011: By contrast to the former legislation which contained the basic principle that more lenient measures have to be applied to minors, the new legislation reduces the scope of this provision to minors under the age of 16 (Aliens Police Act §77 paragraph 1). As a result, minors between 16 and 18 years can be taken into detention pending deportation for up to two months. At the same time, the practice of not detaining separated children below 14 years of age was incorporated into the Aliens Police Act whereas accompanied children shall legally be able to “accompany” their parents into detention facilities.

### **Croatia**

UNHCR remains concerned that despite the protocol signed between the Ministry of Interior and the Ministry of Health and Social Welfare (November 2009) regarding the treatment of unaccompanied and separated children (USC) outside the asylum process in November 2009, cooperation between these ministries and all stakeholders remains problematic.

Asylum legislation was amended in 2010 (reported in last period), however, implementation of new provisions remains to be seen. With regards to USC seeking asylum, the majority leave the country very quickly and so do not fully benefit from certain rights granted to asylum seekers, especially regarding education, whereby the Croatian

legislation allows education to asylum seekers on the same basis as Croatian nationals.

With regard to USC granted protection, UNHCR has been faced with difficulties regarding:

- Recognition of foreign educational qualifications
- Adequate housing and possibility for integration
- Language training (not available in all parts of Croatia)
- Educational and vocational possibilities

### **Czech Republic**

During 2011 there has been serious discussion about system of care for separated children. In the Czech Republic, there is one specialized facility where all separated children are placed irrespective of their legal or social situation. Moreover, they are placed as foreign children with families who fail to provide care for them. The office of Public Defender of Rights conducted an inspection in the facility, and they found several serious problems. After the results of the inspection, a working group was established consisting of the Ministry of Education, Ministry of Interior, Ministry of Labour and Social Affairs. The aim of the working group is to prepare a new care system for separated children. By 1 July 2012 all children from the specialized facility should be integrated in institutions where national children are placed.

### **Italy**

The law 289/2011 regarding conversion of a child's permit of stay to work or study upon turning 18, effective as of August 2011, has begun its practical application. While official numbers have yet to be released, the CMS has generally issued a favourable opinion for the conversion. Monitoring is crucial at this stage, however, to ensure the Circular note released by the Ministry of the Interior on 16 November 2011 outlining some important procedural aspects (in particular, responsibility for presentation of the request for conversion, the completion of a specific form with documentation for the CMS' consideration) does not become a barrier to continuity of the child's regular stay in Italy, which could also be at risk despite their level of integration, if the CMS' opinion is not forwarded to the authorities within 60 days of the child turning 18 (current time limit for presentation all renewal/conversion requests).

See:

[http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/minori\\_stranieri/Minori\\_stranieri\\_non\\_accompagnati.htm](http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/minori_stranieri/Minori_stranieri_non_accompagnati.htm)

National Child Ombudsperson, Vincenzo Spadafora, was appointed on 30 November 2011 under Art 2 of Law 112/2011. He will present his first report to Parliament on 18 April, with recommendations on the situation for UASC, including those in transit, after consultation with various NGOs.

Final report on the Parliamentary Commission for Children's Inquiry into UASC was adopted and made public on 27 March 2012. Beginning in October 2008, the Inquiry included missions to Lampedusa (2008) and Romania (2009), and hearings of relevant NGOs and other stakeholders. The report recommends the increase of special reception facilities for UASC, in particular for victims of trafficking and sexual exploitation, which guarantee access to education and healthcare; harmonisation of the system for dealing with UASC at a national level; any repatriation be considered only if it is in the best interests of the child and assistance is guaranteed following it. For the latter, the Commission also recommended specific guidelines to be implemented.

The Commission also gave 10 proposals to improve the system for UASC, from the reinforcement of a national programme for the assistance of UASC implemented by the National Association of Municipalities to specific training of Law enforcement agents and other relevant authorities working in strategic entry points such as ports and borders. Furthermore, it suggested the use of work bursaries to assist in the integration of UASC over 16 years of age and a consistent, guaranteed procedure for their provision and that of national identity cards, as well as proposing "assisted emigration" for those children who seek to transit through Italy to reach family members in other European countries.

[http://documenti.camera.it/leg16/resoconti/comm\\_issioni/bollettini/pdf/2012/03/27/leg.16.bol0629.d\\_ata20120327.pdf](http://documenti.camera.it/leg16/resoconti/comm_issioni/bollettini/pdf/2012/03/27/leg.16.bol0629.d_ata20120327.pdf)

### **Netherlands**

As mentioned in the previous SCEP Newsletter the Minister for Immigration, Integration and Asylum has announced a revision of the policy for separated children in 2012. The government has been working on this revision for multiple years. NGO's have expressed their concerns about the proposed abolition of the possibility to receive a regular residence permit as a separated child. This abolition will cause for the separated children to become undocumented (when they are not eligible for asylum). The fear is that this will lead to high risk of exploitation of the children and make them more vulnerable. However the announced revision of the

policy for separated children has not been made public yet. The government has been negotiating for several weeks about economical savings and cuts and the negotiations are continuing.

At least 25 local councils, including Eindhoven, Amsterdam and Utrecht, have thrown their weight behind a campaign for residency permits for refugee children. The initiative from left-wing green party Groenlinks is aimed at supporting draft legislation drawn up by the Labour party and ChristenUnie. The two parties want children who have lived in the Netherlands for at least eight years to be given a residency permit.

### **Norway**

From 1 May Norway will have a new law on guardianship. All the separated children seeking asylum in Norway will get a person that will have the responsibility to follow the child. The person will make sure that the child receives all the benefits that he or she is entitled to. The person will look after the child's legal interests – in the interview, in the age assessment etc. The person will have contact with the lawyer and give information to the child. The person does not have a care responsibility, but have to make sure that the child has a good care situation and is taken good care of.<sup>2</sup>

### **Portugal**

There were no changes in law. However, we have to report changes in the policy of reception and social support.

Asylum seekers waiting an admission decision, separated children until 18 years old and resettled refugees were supported by the Portuguese Council for Refugees through funds provided by Ministry of Interior and ERF. After an admission decision (positive or negative with an appeal to the court) asylum seekers were under responsibility of the Ministry of Solidarity and Social Security. The referred Ministry and “Santa Casa da Misericórdia de Lisboa” signed a protocol years ago that delegate the support by Social Security to this public-private institution. Once this support became effective asylum seekers in this situation had to leave the CPR - Refugee Reception Centre. Once a final decision was taken by the authorities concerning the asylum procedure, “Santa Casa da Misericórdia de Lisboa” would then refer them back to the Minister of Solidarity and Social Security.

Since last October there was a rupture of the support provided by the organization “Santa Casa da Misericórdia de Lisboa” and afterward by Minister of Solidarity and Social Security to new

cases (asylum seekers admitted and persons with subsidiary protection, respectively).

This situation allegedly occurred due to lack of financial means from Ministry of Solidarity and Social Security, that did not transfer the necessary funds required. In consequence, all the new cases were left without support.

The Portuguese Council for Refugees in an effort to avoid that asylum seekers should be left without a roof or without any means, allowed them to continue their stay at the Refugee Reception Centre and to receive financial support. At the same time the Council initiated a series of meetings with the “Santa Casa da Misericórdia de Lisboa”, Portuguese Immigrant Service – “SEF”, Ministry of Solidarity and Social Security, Ministry of Interior, Parliament's Constitutional Affairs, Rights, Liberties and Freedoms' Commission. UNHCR was also informed of the critical situation.

This situation coincided with an increase of asylum claims (in 2012, 275 asylum requests were presented in Portugal, which represented an increase of 71.8 % in comparison to 2011).

By then the Refugee Reception Centre was overloaded and persons were accommodated in hostels and private housing.

This led the Portuguese Council for Refugees to enter in deficit and therefore was compelled to stop all financial support even to asylum seekers waiting for an admission decision, and transfer the ones at hostels to improvised bedrooms at the Refugee Reception Centre.

After an appeal for food on social networks, the Media broadcasted the situation and the food items were received and distributed.

Few days after the appeal, the Ministry on Interior reinforced the funds for the asylum seekers which allow the Portuguese Council for Refugees to again give (financial) support but only to those in admission phase.

At the beginning of April a Commission was created within the Ministry of Solidarity and Social Security to analyze the asylum procedure and social support and so far there is no conclusion.

Presently, food distribution continues based on donations and a protocol with a supermarket nearby the Centre that donates food items on last validity 3 days a week.

### **Romania**

There was a new amendment of the Law 273/2004, adoption law, which came into force on 7 April 2012.

Amendment of Law 273/2004 is a necessary step in establishing clear rules which are appropriate for a family with children included in the adoption procedure in Romania. One of the items proposed is a regulation aimed at providing parents deprived

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<sup>2</sup> In Norwegian: <http://www.lovdatab.no/ltavd1/filer/nl-20120413-015.html>.

of parental right to consent to adoption of the child. The most significant changes relate to the establishment of precise terms in which procedures should be conducted. So far, there was no exact time that these efforts should be made and could take years. According to this amendment, if a year has passed since the imposition of protective measures, and the parents are found to be totally uninterested in reintegrating the child, then it can be declared as adopt.

This new law changes the criterion by which an adoption is regarded as national or international depending on the habitual residence of the adopter. So far, only those who were residing in Romania could adopt.

### **Slovakia**

Since 1st January 2012 a new effective law on aliens stay has been in force (Act no. 404/2011 Coll). According to this new legislation there is a possibility for a former separated child, it means after reaching the age of majority, to apply for a permanent residence permit in Slovakia, but under the following conditions:

§ 46 of the new Act states that the ministry of interior can grant the permanent residence permit for indefinite period of time also without fulfilling the conditions prescribed by this Act to an adult person if she/he has been granted tolerated stay in accordance with § 58 (2) a) for at least three years during which she/he studied at the school in the territory of the Slovak republic. /NOTE: § 58 (2) a) states that the tolerated stay should be granted to a minor person found at the territory of Slovakia/

In practice however, the vast majority of separated children who arrive to Slovakia at the age of 16 or 17, will never be able to satisfy the condition of living for at least three years in the territory of Slovakia before reaching the age of 18 and furthermore all this time studying at Slovak school.

Regarding the medical examination to determine the age of the child the new Act states in § 111 (6) that “third country national, which declares that he/she is an unaccompanied minor, is obliged to undergo the medical examination to determine his/her age; this is not the case if it is absolutely obvious that he/she is minor”.

From the wording of this provision the medical examination to assess the age is supposed to be rather rule than exception.

§ 127 states that “if third country national refuses to undergo the medical examination in accordance with § 111 (6), he/she is considered to be an adult person for the purpose of the proceeding according to this Act; if the person undergoes the medical examination, he/she is considered to be an adult person until the results of the medical examination

on the age assessment are available. If, based on the medical examination it is not possible to determine if the person is adult or minor, he/she is considered to be minor for the purpose of the procedure according to this Act. The police authority is obliged to instruct third country national on the possibility to request the medical examination, methods being used to do so, and on consequences of the examination on the procedure based on this law and consequences of the refusal to undergo the examination.”

According to this new provision all foreigners who are subjected to the medical examination to determine their age are considered to be adults already during the procedure on age assessment (medical examination process) and only if the result of the medical examination shows that the foreigner is minor (or if the doctor is unable to determine whether he/she is adult or minor), the foreigner is treated as a child. Due to this new law for example departments of border and alien police have the possibility, if they decide to apply the age assessment procedure, not to inform the respective office of labour, social affairs and family until the results of medical examination (proving that respective foreigner is minor) are known to them.

### **Slovenia**

Since January 2012 Slovenia has a new, right-wing government. As previous experience shows there is a high possibility that the standards on treatment of asylum seekers and migrants in general (separated children are not excluded) will be deteriorated.

### **Spain**

The new Implementing Regulation to the Aliens Law in June 2011 specifically established the obligation of the competent child protection authorities to inform the child in a language that is understandable to ensure that he/she understands about his/her rights and the possibility to apply for international protection.

The law also provides a slight improvement in relation to age assessment practices but further improvements must be done in this area. Nonetheless, until now change in the authorities practise has been observed.

The 2011 annual report of the Ombudsperson highlighted the main issues regarding the situation of unaccompanied minors complaints submitted to the office during 2011. These issues are: Age assessment procedures (see point 6 below); problems in providing legal documentation to allow the residence in Spain; moving unaccompanied minors between Autonomous Communities and the challenges of proper management of the Central Registry of Unaccompanied Minors; and the situation of unaccompanied minors once they reach the age of 18.

## **Switzerland**

The most relevant developments of the spring session of the Swiss parliament regarding children were:

On 28 February the Swiss Parliament (National Council) gave its general consent to a revision of the civil and criminal law regarding measures against forced marriage. The current proposal was criticized for gaps in the protection of foreign victims of forced marriage. Nevertheless, the parliament rejected an article on the protection of victims. The Federal Council will issue a report on this during the summer of 2012.

On 6 March the Swiss parliament (National Council) gave his consent to a proposal lifting the limitation of time for the prosecution of sexual and pornographic crimes against children before puberty. The age limit for this was set at 12 years. The proposal concerns three Federal Acts on criminal law.

Also on 6 March the Swiss parliament (Council of States) rejected an initiative by Philipp Müller of the Liberal Party to put additional conditions to the granting of a permanent residence permit for “persons in the asylum area.” This initiative especially wanted to prevent the automatic granting of a permanent residence permit to recognized refugees after a period of five years after recognition. This initiative was with this decision finally rejected and will have no further follow up.

On 15 March the Swiss parliament (National Council) approved for initiatives by parliamentarians and two cantons (Geneva and Vaud) on the prohibition of prostitution of minors. The Federal Council has announced that it will issue a proposal for the revision of the Federal Criminal Act in light of the Lanzarote Convention this year.

On 2 March 2012 the Federal Council started a consultation procedure on a proposal to amend the Ordinance on Admission, Stay and Exercise of an Employment (VZAE). If the proposed changes enter into force it will be easier for adolescent „Sans papiers“(undocumented) to be granted a residence permit which would allow for access to an apprenticeship. Preconditions foreseen for this are “good integration”, no criminal record and five years school attendance. According to the report issued for the consultation procedure this would concern 300 to 500 adolescents leaving the obligatory school each year. The Federal Council in its report explicitly refers to the right to education as contained in the CRC and the ICESCR and to a similar provision in the Swiss Federal Constitution.

The consultation procedure ends on 8 June 2012.

Documentation is available under:

[Humanrights.ch/MERS](http://Humanrights.ch/MERS)

## **UK**

Ostensibly to ensure children spend less time at the Asylum Screening Unit (ASU) of UKBA, a new process has been introduced for a trial period to gather information about a child applying for asylum prior to their initial screening / registration appointment. The pilot only applies to children who are in the care of social services (accompanied and / or children in foster care will not be included). UKBA asks social services to collect biodata from the child prior to the appointment. The UKBA will only accept information presented by the child’s social worker.

## **Detention**

### **Austria**

In October 2011 a report of the “Human Rights Advisory Board” on the problem of minors in the aliens’ police procedure was released. The report is very critical about the actual practice of detention of minors and lists various recommendations for improvement.<sup>3</sup>

The new legislation reduces the application of more lenient measures instead of detention to minors under the age of 16 (Aliens Police Act §77 paragraph 1). As a result, minors between 16 and 18 years can be taken into detention for up to two months pending deportation. At the same time, the practice of not detaining separated children below 14 years of age was incorporated into the Aliens Police Act (whereas accompanied children shall legally be able to “accompany” their parents to detention facilities).

### **Belgium**

In Belgium separated children are not being detained except when they arrive at the border and if there is a doubt on their age (detention limited to 3 days, renewable once). However no legal basis for the non-detention exists. A new law regarding detention of children entered into force that sets a legal basis for the non detention of separated children

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<sup>3</sup> The report is available in German language at: [http://www.menschenrechtsbeirat.at/cms15/index.php?option=com\\_content&view=category&id=51&Itemid=57](http://www.menschenrechtsbeirat.at/cms15/index.php?option=com_content&view=category&id=51&Itemid=57)

## **Croatia**

During the reporting period, all asylum-seeking separated children were transferred from the detention centre when they submitted their asylum application to a reception centre for asylum seekers. UNHCR is strongly against the detention of asylum seekers, especially vulnerable asylum seekers such as unaccompanied separated children.

## **Finland**

According to the Government Programme from June 2011, the detention of separated children will be prohibited and alternatives for detention should be developed. A governmental working group in the Ministry of Interior has made a draft for an amendment to the Alien's Act. It is basically a very positive draft and a landmark in the history of detaining children in Finland. According to the draft the detention of separated children will no longer be possible.

However, NGOs have raised some questions during the hearing round. Prohibiting the detention of minors does not solve the problems that are linked to age disputes. Sometimes a minor has been treated as a minor in the process but when it comes to deportation the minor is suddenly seen as an adult by the police. With Dublin cases there might be minors who are wrongly recorded as adults in another country and they are not safe from detention.

There is also a need to be more transparent with statistics about the detention cases: figures concerning the Helsinki detention centre are available, but there are no statistics about detention cases in the police custody.

The draft also contains restrictions for children in general – no children would be placed into normal police custody. The detention of children would be restricted into situations where it is necessary for family unity to put also children into detention. If these law changes are to be put into force, there is a clear need to develop real alternatives to detention for families. If it is really necessary to take the whole family into detention, there has to be better facilities than there are now. There is only one special detention center in Finland located in Helsinki. The facilities are not suitable for families and the capacity of the center is not enough to accommodate all detained. Sometimes some members of the family are detained in the Helsinki detention centre while others are placed in ordinary police cells.

## **Germany**

The Jesuit Refugee Service published a study on alternative to detention.<sup>4</sup>

On 22 November 2011 a law entered into force which was aimed to implement the EU-Return Directive. In Section 62 of the Residence Act it was implemented that minors and families with minors shall only be detained in exceptional cases and only as long as it is appropriate under consideration of the best interests of the child. In Section 62 a Para 3 there is a reference to Article 17 of the EU-Return Directive about the detention conditions for minors.

## **Greece**

In the critical area of Evros (N/E Greece, bordering Turkey by land), where the vast majority of irregular entry in the EU takes place, the detention facilities that had been characterised as severely substandard by various human rights actors, have been closed down (March 2011) because of renovation. Refugee and human rights organisations observe that a large number of irregular entrants are released with a deportation order without detention, following first arrest and registration. It is reported though, that unaccompanied minors are not sufficiently screened, nor appropriately registered as such, due inter alia to a lack of capacity of the authorities to accommodate them in the region in view of their potential transfer to reception centres. Most irregular entrants head to Athens and other urban cities where they live under deplorable conditions as undocumented migrants.

## **Hungary**

Despite the fact that Hungarian law explicitly prohibits the alien police detention of separated children (persons under 18), the Hungarian Helsinki Committee is aware of several cases where minors were nevertheless detained. The HHC – through its monitoring lawyers being present in immigration jails once a week – regularly identifies persons detained whose age can be disputed since they visibly look much younger than other detainees. The increased detention of underage migrants – regardless of their legal status as irregular migrant or asylum seeker – may derive from the fact that no proper age assessment procedure is in place to adequately identify children (adolescents) at a very early stage of the procedure, right upon interception.

## **Netherlands**

As mentioned in the previous SCEP newsletter the Minister for Immigration, Integration and Asylum

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<sup>4</sup> The study is available at: <http://www.jesuiten-fluechtlingsdienst.de/images/pdf/120401%20jrs-studie%20abschiebungshaft%20vermeiden.pdf>

has revised the policy in relation to the detention of separated children. In general separated children will no longer be detained.

A separated child will now only be detained when the child is suspected or convicted of a felony. In this case the child will be returned within 14 days (the same measure exists for children with families). Previously, the child was left unknown about his/her destination or the child didn't comply with the imposed obligation to report, in some cases it didn't comply with measures restricting his/her freedom. Otherwise the child was refused to enter the country at the border (deprivation of liberty until the minority of the child has been determined). After the revised policy the (small number of) children put in detention seem to have a difficult time there. They reside in a department separated from the children who stay in Juvenile detention because of a conviction. Due to the small number of separated children in the specific department there are less social activities. The NGO's represented in the coalition 'children do not belong in refugee detention' advocate that no child should be placed in a detention facility based on reasons related to migration control.

### **Slovakia**

The law prevents the detention<sup>5</sup> of unaccompanied minors. If a person declares that s/he is the unaccompanied minor, s/he is handed to the care of the office for labour, social affairs and family (OLSAF) in area where the unaccompanied minor has been found. The OSLAF requests the responsible court for preliminary ruling on providing the child with temporary institutional care and on appointing the guardian. The preliminary ruling is issued within few hours and the separated child is placed into the foster house for unaccompanied minors in Horné Orechové, or if it is a girl, into foster house for children in Medzilaborce.

According to the Act on the Stay of Foreigners, the foreigner who declares to be unaccompanied minor is obliged to undergo the age assessment process, with the exception if it is absolutely obvious that s/he is a minor. If the foreigner refuses to undergo the examination, he is considered to be an adult according to the Act on the Stay of Foreigners. If the police office finds the unaccompanied minor on

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<sup>5</sup> The information provided in this Section is based on the publication/national report of the Human Rights League published in November 2011 "Detention and Alternatives to Detention in the Slovak Republic, available in electronic form in English on the HRL website:

<http://hrl.sk/pages/publications>

the territory of Slovakia it has the obligation to hand him/her, without any delays, to OLSAF.

The law does not provide any specification on the medical examination for the age assessment. In practice, the medical screening includes the X-ray of the bones of the wrist and hand (elbow).

In 2011 there were 17 cases (documented by our organisation, but possibly more) where the police office requested the age assessment of the unaccompanied minors placed in the foster house for unaccompanied minors Horné Orechové. The police office appointed the medical expert ad hoc<sup>6</sup>, a doctor of radiology, who, based on the outcomes of the X-ray concluded that the age of the foreigners in question is 18 years and more. Immediately, the foreigners, now alleged to be adults, were taken to the police department directly from the hospital and subjected to administrative expulsion followed by the immigration detention.

The detainees appealed the decision on detention arguing, inter alia, that the procedure conducted by the police office was against the law. They objected the appointment of the non-state-approved expert even though there were other state approved experts in criminal anthropology or forensic pathology available in neighbouring areas. They also objected to the appointment of the expert from radiology, claiming that according to the official instruction from the Ministry of Justice of Slovakia<sup>7</sup>, the ministry provides a list of areas of expertise and age assessment procedure. Here age assessment is linked to anthropology or forensic pathology, not radiology. The applicants highlighted that the expert opinion, as provided by the expert ad hoc in the particular case-documentation, does not contain all the necessary documentation as stated in the law<sup>8</sup>, therefore the expert opinion could not be used as the basis for their age determination. Also, the applicants claimed that the detention has been unlawful, because the applicants were detained at the same time where the court's decision on appointing the custodian found place. Furthermore, it was still valid according to preliminary ruling to provide the child with temporary institutional care.

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<sup>6</sup> The argumentation on not appointing the official State approved medical expert that has been provided was that the State approved experts were not found in the area of the competence of police office and therefore the appointment of the expert ad hoc had been assessed as economic.

<sup>7</sup> Instruction no. 7/2009 of the Ministry of Justice of Slovakia dated on 25.03.2009 no. 23635/2009-51 on the organization and management of the expert, interpretation and translation services.

<sup>8</sup> As stated in the § 17 (3) of the Act. No. 382/2004 on experts, interpreters and translators.

Therefore, the applicants held the opinion that they were detained as unaccompanied minors and therefore in contradiction to § 62 (7) of the Act on the Stay of Foreigners<sup>9</sup> (prevention of the detention of unaccompanied minors).

The court decided in favour of the applicants and the decision on detention has been cancelled. The court highlighted the fact that the expert opinion provided by the expert ad hoc did not fulfil the conditions for expert opinion set up in the valid law and the form in which the expert opinion has been delivered does not fulfil the legal requirement for being used as the evidence on the age of the applicant in question. The court acknowledged the expertise of appointed expert ad hoc but stressed the fact that primarily the science responsible for age assessment is the anthropology. The court also ruled that the next step in the procedure was supposed to be the solution of the situation of appointment of the guardian, because the result of the age assessment does not cause the annulment of the decision on appointment per se.<sup>10</sup>

### **Slovenia**

In 2011 there were twelve separated children who were deprived of liberty because they illegally entered Slovenia. They were held in detention between a few days up to few months.

### **UK**

In 2011 the British Refugee Council worked with 22 young people who were detailed as adults and were subsequently accepted as children; it is possible that this figure may rise slightly as there are a few cases outstanding from 2011 which have not been finally resolved.

UK Border Agency's own statistics for the period between Oct and Dec 2011 point to 3 instances where a child, initially age-assessed to be an adult, was ultimately assessed as a child and released from detention (Oct – Dec 2011).<sup>11</sup>

The newspaper Guardian reported that four children who were incarcerated in detention centers for 13 months have won a six-figure compensation payout from the Home Office more than eight years after their release. The family's lawyer claimed that they had been detained unlawfully and for too long.

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<sup>9</sup> Valid until 31st December 2011, and replaced now by the Act no. 404/2011 Coll.

<sup>10</sup> The judgment of the Regional Court in Trnava 38Sp/7/2011 and 38Sp/8/2011 dated on 20.09.2011, pg. 10, 11, copy in the file of the Human Rights League

<sup>11</sup> (Source: UKBA statistics provided to Judith Dennis at British Refugee Council on 8 March 2012 entitled "Detention age dispute figures - Applicants subsequently released by category. Quarter 3 Oct - Dec 2011")

Child asylum seekers are no longer detained for long periods but controversy persists about new rules that allow them to be kept in a short-term holding facility for up to a week. A UK Border Agency spokesman said: "In March 2011 we established a new family returns process that ended the detention of children".

## **Age Assessment**

### **Austria**

Following the official statistics 225 young asylum seekers have been declared as adults in 2011.

The Austrian Asylum and Aliens Police Acts foresee a multi-factorial age assessment which consists of an examination of the body, a dental examination as well as a radiological examination (of the dental teeth, the wrist and, in certain cases, the collar bone), while no relevance is accorded to psychological factors. Children are thus exposed to radiation without a clinical need. In addition, the procedure is not an exact science and is at least partially based on questionable reference data.

### **Belgium**

There is an increase of the numbers of age assessments is undertaken. It almost doubled between 2010 and 2011.

### **Croatia**

Age assessment is in usual not carried out. However, two asylum seekers who claimed to be USC were sent to X-rays because there were serious doubts about their age. The testing assessed that they were not minors.

### **Germany**

The Federal Office for Migration and Refugees (BAMF) has introduced an internal instruction according to which the minority of a person has to be decided by the federal states authorities (mostly the youth welfare authorities). In cases of doubts (e.g. if the BAMF learned that the person was registered under another age in another Dublin II member state) this information is forwarded to the responsible authorities and the authority is asked to take this information into consideration.

### **Hungary**

The UNHCR released a country report on Hungary. Section XI is dealing with separated children.

"Both to prevent and respond to abuse by adult asylum-seekers, age assessment has increasingly been applied in cases where age is disputed. Age assessment is usually initiated either by the national police at the time of apprehension, where the age of the unaccompanied separated children is relevant

but disputed in context of alleged unlawful entry; during the stay in order to assign appropriate accommodation; and/ or by OIN in the asylum procedure. Prior to any examinations, the informed consent of the asylum seeker is required, and in practice usually obtained. However, the examinations do not fully comply with the requirements of a multi-disciplinary and least-invasive approach. While they include dental examination, sexual maturity assessment, physical development assessment, and the increasing use of x-rays, the tests do not touch upon cognitive and/or behavioural elements or on psychological maturity. Doctors, including paediatricians, family doctors and radiologists perform age assessments without the involvement of social workers and cultural mediators. Generally, professionals involved in the process are in an independent position, but they are seldom familiar with the child's cultural and environmental background and generally lack specific training to conduct age assessment. UNHCR AGD assessments have found many age-disputed foreigners, including asylum-seekers, in administrative detention. Interestingly, if such UASC are returned by other EU Member States to Hungary with documents stating that they are children, based on those States' own age assessment procedures, such documents are reportedly not taken into consideration in Hungary. Instead, a new age assessment is conducted and in most of the cases, the persons concerned are considered adults. No centrally-issued standard operating procedure is in place either for the police or OIN regarding how or when to conduct an age assessment, and how to assess documents that contain age-relevant information issued by other EU and Dublin II participating States.<sup>12</sup>

The Commissioner of Fundamental Rights released a report on the situation of separated children living in Károlyi István Child Center, Fót (See Newsletter 36.). According to age assessment the report says: "The age assessment is carried out by a forensic expert, the head radiologist of the Buda Health Center (*Budai Egészségközpont*) using the Greulich-Pyle method. The essence of the age assessment method used by the forensic expert is that the physician compares a radiogram of the examined person's left wrist with the data of a reference atlas compiled by its American authors; the atlas consists of radiograms taken of the wrists of 1000 middle-

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<sup>12</sup> See more here: <http://www.unhcr.org/pdf/resources/legal-documents/unhcr-handbooks-recommendations-and-guidelines/hungary-as-a-country-of-asylum-2012.html>

class boys and girls in the 1950s. This method is supplemented by a dental panoramic X-ray and a pelvis radiogram. These are also taken into account by the medical expert for age assessment purposes. According to the medical expert, the maximum difference between the result of the age assessment method used by the expert and the actual age is 1 or 2 years. The head physician claimed that all expert opinions had been given on the basis of radiograms; other circumstances (such as information about the ethnic or cultural environment of the given person) had not been available for assessment. The medical expert recommended the examination of the collarbone's radiogram as a supplementary method to reduce the margin of error of the age assessment." (Page 9).

The Report is mentioning a case when a documentary evidence of a separated child was available but the Office of Immigration and Nationality ordered the medical examination of the age. "...during the investigation, we came across a case when, according to the birth certificate in the possession of the UASC, this child was younger than the age specified in the medical expert's report. The Office's decision in this case was favourable for the asylum seeker and the asylum seeker was treated as a UASC on the basis of the birth certificate the child had in their possession." (Page 10) The Report is not examining if the age assessment was a measure of last resorts or if the age assessment is initiated as a routine practice.

<http://www.obh.hu/allam/eng/index.htm>

### **Netherlands**

The Dutch foundation 'Stichting Medisch Advies Kollektief' (SMAK) will organize an expert meeting in the Netherlands in May 2012 to discuss the current age assessment methods.

The outcomes of this meeting will be communicated in the next SCEP newsletter. The SMAK foundation assists lawyers and their clients in medical-legal disputes.

### **Slovakia**

The detention cases have raised several questions regarding age assessment<sup>13</sup> of foreigners who declare to be unaccompanied minors. Apart from several serious procedural mistakes, the cases highlighted the fact that the legal provisions on age assessment as included in the Act on the Stay of

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<sup>13</sup> The information provided in this Section is based on the publication/national report of the Human Rights League published in November 2011 "Detention and Alternatives to Detention in the Slovak Republic, available in electronic form in English on the HRL website: <http://hrl.sk/pages/publications>

Foreigners are not clear and does not provide much guidance on which methods shall be used in order to determine the age, what are the procedural guarantees for the foreigner in question, which expert shall be selected to provide the relevant examination of the age.

To compare, the Act no. 480/2002 Coll. on Asylum states on the age assessment process the following: If there are doubts about the age of the asylum applicant, s/he is obliged to undergo the medical examination. If it is medically proved that the applicant is adult, the migration office considers the applicant as adult and immediately informs the legal representative, guardian and respected court about the result of the medical examination. If the applicant or his guardian refuses to agree with the examination, the migration office considers the applicant to be adult for the purposes of the asylum procedure. If it is not possible to determine the age of the applicant, the applicant is considered to be minor. The migration office is obliged to instruct the applicant and guardian on the possibility to request age assessment, on the methods being used and results of the examination and possible influence on the asylum application as well as on the consequences of the refusal to undergo the examination.<sup>14</sup>

However, in the situation, where the law does not provide which medical methods to use and which expert to appoint, the results of such age assessment could be disputable. Also, the age assessment procedure as such is not the procedure according to the law, there is no decision being taken. The result of the assessment would influence other procedures (appointment of guardian, expulsion and detention procedure, asylum procedure), in which the particular foreigner could use the procedural rights to defend himself/herself, but his possibilities to defend himself during the age assessment are very limited if nonexistent.

Since January 2012 there is a new provision on the age assessment applicable to foreigners apart from the asylum procedure. According to this provision, the foreigner who declares to be an unaccompanied minor would be obliged to undergo the examination for the purposes of the age assessment, with the exception that it is obvious that s/he is a minor. If s/he refuses to undergo the examination, s/he would be regarded as an adult for the purposes of this law. If he agrees with the examination, he is regarded as adult until the result on the age assessment finished. If, based on the medical examination, it is not possible to determine whether the foreigner is minor or not, s/he is considered to be minor. The police office has the obligation to

instruct the foreigner on the right to request the medical examination, methods being used to do so, and on consequences of the examination on the procedure based on this law and consequences of the refusal to undergo the examination. (New Act on the Stay of Foreigners as described above)

The provision in the new law provides different standard than the standard provided by the Act on Asylum, because the particular foreigner subjected to examination would be regarded as adult until proved otherwise. However, such attitude could result in serious violations of the right of the child if the results of the examination would prove that the particular foreigner is minor. It is disputable whether this provision is actually in line with standard provided by the Convention of Rights of the Child (CRC), with special regard to the principle of the best interest of the child.

To conclude, the greatest challenge for Slovak legislation and its application is to find and clearly define the rules guiding the procedure of the age assessment of foreigners in order to avoid possible deprivation of basic human rights of the persons in question and better protection of unaccompanied minors.

#### **Slovenia**

The Ministry of the Interior is planning to start implementing age assessment for asylum seeking separated children. Information regarding who will do the test, what will the test include, appeal options etc. are still not available.

#### **Spain**

Age assessment in Spain is done in the frame of the regular procedure related to unaccompanied minors and not specifically in the asylum procedure. Practice continues to vary in the different autonomous Communities but it is frequent to use the “Greulich and Pyle” studies, sexual characters and dental examination. With regard to this topic, the Spanish Ombudsman was very active this year and published a Special Report – “Children or adults? Age Assessment Practices”- warning that age assessment practices do not comply with all the necessary guarantees.<sup>15</sup>

#### **UK**

During this period there were no major changes made through case law that changed how

<sup>14</sup> § 23 (7) of the Act on Asylum

<sup>15</sup> Link to the English version of the conclusions and recommendations:  
[http://www.defensordelpueblo.es/en/Documentacion/Opcion5/Documentos/English\\_children\\_age.pdf](http://www.defensordelpueblo.es/en/Documentacion/Opcion5/Documentos/English_children_age.pdf)

assessments must be conducted, although small but significant changes continue to affect practice.<sup>16</sup>

On 28th March 2012, the UKBA's Director of Asylum announced that, starting on 29th March 2012, the agency will begin a three month trial using dental x-rays to assess the age of individuals who have been assessed as an adult under the regular age assessment procedure performed by those within the geographical remit of Croydon social services, but continue to claim to be a child. These individuals will be given the "opportunity" to have a dental X-ray using a process designed in conjunction with Professor Graham Roberts of King's College Hospital (x-rays will take place at Guy's Hospital, however). The results will be passed back to the Agency, and the Agency will then contact the applicant. If the X-ray indicates that the individual is likely to be under 18, Croydon Council will be invited to review the age assessment in the light of the new evidence. If the X-ray indicates that the individual is likely to be over 18, their position will not change – they will continue to be treated as an adult in the asylum system, subject to any additional evidence emerging.

The four UK children's commissioners released a joint statement expressing their intention to challenge the process based on the view that it places vulnerable children and young people at risk and breaches their human rights.<sup>17</sup>

## Guardianship

### Austria

Within the Daphne III project "Better Integration of Separated Children" a national seminar for guardians was held on 13-14 October. For the first time ever, guardians of separated children from different parts of Austria had the possibility to exchange information about their work.

The asylum co-ordination Austria is partner in the DAPHNE III application for the project "*Closing a protection gap 2.0: Implementing the Core Standards for guardians of separated children in Europe in practice, policy and legislation*". If the project will be selected, various

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<sup>16</sup> Many of the judgements relating to age can be found here:

<http://www.independentageassessment.co.uk/caselaw.htm>

<sup>17</sup> See more here:

<http://www.ilpa.org.uk/data/resources/14476/12.03.29-Age-assessments-x-rays-JOINT-STATEMENT-FROM-THE-FOUR-UK-CHILDREN.pdf>

activities around the implementation of Core Standards for guardians will take place (workshop with separated children, a former separated child will act as advisor, a training session with guardians and a country assessment in relation to every Core Standard).

### Belgium

Currently more than 200 separated children are waiting for a guardian to be designated. Because of the high inflow of UM the Guardianship Service cannot keep up. A new campaign to hire guardians is programmed.

### Croatia

All separated children were assigned with guardians for special purposes (asylum procedure). 80% of the separated children leave the country before the procedure is completed and, even before the 1<sup>st</sup> instance decision is passed. Although all asylum seeking USC above 16 years were accommodated in the RCK, their increased number and inappropriate system of guardianship resulted in inadequate reception conditions.

### Estonia

There are still loopholes regarding of the guardianship system.

An unaccompanied child needs a guardian who would represent him or her in the asylum proceedings and later regardless of the decision, which might provide international protection or decide on the expulsion from the country. Therefore the only possibility is that an unaccompanied child be assigned a guardian by the court. Nevertheless it is currently unclear who is to submit the application to appoint a guardian for an unaccompanied child and to which court.

The court system is slow and if the guardianship process relied only on legal guardians it would prolong the (asylum) procedures and would also create extra workload for courts and the asylum officials. Voluntary guardians are difficult to find.

Since Estonia has not been among destination countries for separated children, neither has it been a transit, the country is missing relevant and long-term experience in receiving separated children. Due to low numbers of proceedings with separated children guardianship has been practiced very little. The cases so far have been limited to representing a child during asylum proceedings. Since there have been no such cases during the time the new Family Law Act (2010) has been in force, there is no experience of how to address the civil court to appoint a guardian for the child.

## **Finland**

The Central Union for Child Welfare will publish a study about the guardianship system on 30 May. 95 people were interviewed for the report; among them separated children, their guardians, authorities, social workers working in reception centres and also some other experts. There will also be recommendations on how the guardianship system and reception should be developed.

## **Germany**

An amended legal framework of guardianship will enter into force on 1 July 2012. Until then the local youth municipalities have time to reduce the caseload to a maximum of 50 wards per guardian. The guardian will then have the task to meet all wards at least once a month personally. At the moment most youth authorities struggle with these new regulations. However, it can be expected that the guardianship systems of many youth authorities will considerably change and that new guardians are appointed. This also creates an already perceptible demand for training of guardians who for the first time deal with separated children.

## **Hungary**

The Commissioner of Fundamental Rights in his Report ( A/B 733/2012 -Report of the Commissioner of Fundamental Rights on the situation of separated children in the asylum system.) also examined the changes on guardianship (see in Newsletter 34). Due to the fact that the asylum seeking separated children are accommodated in one childcare home in the mainstream child care system “this means that, until the asylum procedure is completed, the temporary guardian represents the unaccompanied or separated child in any official procedure and before any official forum in addition to the asylum procedure. The temporary guardian of the separated children living in the Children’s Center is a full-time staff member (a lawyer by profession).” (Page 8) The Commissioner is urging the asylum system related training of the staff members.

## **Ireland**

The Child Care (Amendment) Act 2011 provides a definition for a ‘guardian’ in Irish legislation amending the Child Care Act 1991. According to the 2011 Amendment act a ‘guardian’ is explicitly defined as a person who is either ‘a guardian of a child pursuant to the Guardianship of Infants Act 1964’ or a person ‘appointed to be a guardian of the child by- (i) deed or will, or (ii) order of a court in the State’.

In order to appoint a legal guardian by ‘order of a court in the State’ on behalf of a separated child an application for a care order would have to be

initiated by the HSE and a Care Order granted by the District Court.

## **Netherlands**

The Core Standards for Guardians of Separated Children in Europe were launched at the European Parliament on the 30<sup>th</sup> of November 2011. The report is a result of a project coordinated by Defence for Children in eight European countries. On 30 November 2011 MEP’s Sargentini (the Greens) and Wikström (Liberals) received the report with the Core Standards for Guardians of Separated Children in Europe. They share the opinion that European rules on guardianship of separated children should be developed and they signed to become ambassadors of the Core Standards. To quote MEP Sargentini: *“Now we are going to promote the standards for guardians everywhere when it comes to separated children. However, more needs to be done. There have to be European rules on the qualifications of guardians”*. Defence for Children has taken this into account with the development of a follow-up project (including multiple SCEP members). Defence for Children is enthusiastic about the support from the Members of the European Parliament. The first step has been taken to empower guardians to act as a watchdog dedicated to defending the rights of the child.<sup>18</sup>

Complementary to the Core Standards for guardians developed in the project ‘Closing a protection gap for separated children in Europe’, Defense for Children-ECPAT the Netherlands participates in the GATE project: Guardians against child trafficking and exploitation.

The GATE project aims to strengthen and qualify the competences and capacities of guardians of separated children against trafficking and exploitation. Four countries work together on the GATE project: Italy (Defence for Children), Cyprus (CARDET-Center for Advancement of Research and Development), Greece (KMOP) and the Netherlands (Defence for Children-ECPAT).

The following four dimensions, Survival; Development; Protection; and Participation and Citizenship will be used as a tool to provide more insight into risk factors and degree of protection of children against child trafficking and exploitation. The dimensions will be used for the analysis and research in the four countries, with direct participation of guardians, separated children, social

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<sup>18</sup> For more information on the Core Standards for guardians of separated children in Europe contact Martine Goeman (Defence for Children-ECPAT the Netherlands) at:

[m.goeman@defenceforchildren.nl](mailto:m.goeman@defenceforchildren.nl)

workers, representatives of institutional and governmental organizations and other experts. The focus of the GATE project in the Netherlands will be to research the experiences with (different forms of) protection shelters, disappearances of separated children who do not appeal for asylum at Schiphol Airport, the risks of exploitation when turning eighteen years old and good practices with regard to protection. The Dutch country report is expected in September 2012. Defence for Children-ECPAT the Netherlands will collaborate where possible with the research UNICEF, ECPAT and Defence for Children - the Netherlands are conducting in relation to child trafficking and exploitation.

### **Norway**

There is a new law on guardianship (see changes and developments in law, politics and practice in general).

### **Slovakia**

In 2011 the Central Office of Labour, Social Affairs and Family issued an update of its Internal Instruction (for the offices of labour, social office and family responsible for the social and legal protection of separated children and for guardianship) no. IN – 051/2007 on the measures of social and legal protection applied in relation to separated children. Based on this update the Foster Home for Unaccompanied Minors in Horne Orechove serves since 2011 only as foster home for boys. Likewise a foster home in Medzilaborce has served as foster home for girls (where they are placed together with Slovak children). It means that since 2011 the Office of labour, social affairs and family in Medzilaborce is being appointed as guardian for female separated children.

There haven't been any major changes in relation to guardianship. In practice we have monitored problems mainly concerning the execution of guardianship in relation to children subjected to age assessment. Children apprehended at the border which undergo the medical examination to determine their age ordered by the police department are not represented by the guardians in the procedure on their age assessment and are considered to be adults if not proved otherwise. Offices of labour, social affairs and family are contacted only once police authority removes (by medical examination) doubts concerning the age of the foreigner claiming to be unaccompanied minor. We have also noticed problems in cases when children are appointed with the guardian and afterwards foreign police department orders medical examination to determine their age – there have been cases (described above) when guardian gave

approval for age assessment using RTG examination of the wrist and the result of such examination considered to be relevant proof of the majority of the children, which allowed police to detain these foreigners and issue them with deportation orders (children were detained although the decisions of the court on the appointment of the guardian were still in force).

According to § 58 (3) of the Act no. Coll. on Family “the decision of the guardian concerning any important aspect of the life of the child requires the approval by the court”. We are convinced that age assessment has such a great importance in the life of the child that any consent of the guardian with medical examination to determine age of the child should be subjected to previous consent of the guardianship judge. However, this requirement is not applied in practice in relation to age assessment.

### **Slovenia**

A new ‘Regulation on the implementation of the legal representation for unaccompanied minors and on the assurance of an appropriate accommodation, care and treatment of unaccompanied minors outside the Asylum Home or its branch’ entered into force in February 2012. The aim of the regulation is to improve the system of legal guardianship for asylum seeking separated children. The regulation includes articles regarding the training of guardians, reimbursement of their costs and remuneration, the possibility to accommodate a separated child outside the Asylum Home etc.

The new Aliens law entered into force in July 2011. The new article concerning treatment of ‘irregular’ unaccompanied minors defines that the police before returning/deporting them should inform the center for social work, which immediately appoints a legal guardian. The police issue a decision on the return of an unaccompanied minor only after the guardian (after careful consideration of all circumstances) determines that this is in his/her best interests.

The article also defines the accommodation of unaccompanied minors and the age assessment: Unaccompanied minors should be accommodated in suitable institutions for the accommodation of minors. If this is not possible, unaccompanied minors are accommodated in the Centre for foreigners (detention center).

When the identity of a minor is not confirmed and there is a doubt that he/she is a minor, the police establish the person's age with the help of an experts. Based on expert's opinion the police issue a declaratory decision. A minor may file against a decision within eight days after receiving the

decision. The Ministry of the Interior is deciding about the appeal.

According to Slovene Philanthropy, which is monitoring the changes in the field of separated children, some of the changes in the new Aliens law are good (appointment of the legal guardian in all cases of separated children, accommodation outside the Centre for foreigners) and could raise the standards of treatment of separated children.

In practice, there are many issues of concern which the law should do something about. There are cases where instead of an independent guardian representing separated children, a representative from the center for social work is chosen. Unfortunately this person is not adequately trained which means that (s)he doesn't take a careful consideration of all circumstances and this often leads to agreeing with the police's decision to return the child. All separated children who don't apply for asylum are still accommodated in the Centre for foreigners.

## **UK**

An evaluation of the first period of the Scottish Guardianship Pilot has been published.<sup>19</sup>

A 'Scottish Guardianship Pilot Learning Event' was held in Glasgow, Scotland on Thursday 9 February 2012. The day involved plenary presentations on the experience of the Pilot in Scotland and workshops on various aspects of the Guardianship concept and role. In attendance were statutory and voluntary organisations working with separated children in the UK and Europe, members of the Project's Advisory Group, Refugee and Children's advocacy organisations, academics, specialist social workers, unaccompanied children using the services of the Scottish Guardianship Service and legal representatives.

## **Reception**

### **Austria**

Since June 2011 the number of asylum applications by separated children has increased, with a peak of 194 applications lodged in August 2011 alone (the highest number since the introduction of statistics on monthly UASC asylum claims in 2004). Due to these rising numbers care facilities in the provinces of Austria are not able to cater for new arrivals anymore and hence, UASC have to stay in the largest initial reception centre in Traiskirchen for

prolonged periods of time. The same also applies for children under the age of 14 years.

As the special unit for unaccompanied boys within the reception centre can only host around 79 children, separated boys are now also accommodated in another facility within the initial reception centre which is normally used for families and single adult males. Services for children placed outside the special facility are inadequate. Children under the age of 14 years are housed in a facility for single women with or without children until a place in a children's home has been found. They have no access to schools or language courses.

In light of the present situation three new care facilities have since been opened in the Province of Styria. Two of them are run by a private contractor without previous experience in caring for separated children.

### **Belgium**

A reception crisis has been going on since the end of 2009 that touches mainly separated children who do not apply for asylum. The current practice by the Federal reception authorities is to exclude them from reception, except the vulnerable cases as children younger than 13 years old, pregnant girls or with babies, potential victim of human trafficking and children with severe psychological problems.

In 2011, 461 separated were registered as "without accommodation". 688 others were registered as living in hotels. It's important to stress that the hotels are poorly equipped and that the children only have 6 € /day to buy food, clothing, hygiene products, transport, etc. No legal or psycho-social support is given to those children. Several legal procedures on national and European level (European Comity for Social Rights) are ongoing.

### **Croatia**

UNHCR funds Croatian Red Cross psycho-social and community services to all persons accommodated in the State Reception Centre. The security situation is satisfactory. However, there is a large variation of asylum seekers over the year because Croatia is still perceived as transit country. This constant flux can negatively impact on asylum seeking unaccompanied minors. The majority leave before completion of the procedure.

Croatia still lacks appropriate accommodation for unaccompanied separated children (USC), outside asylum seekers category. They are placed in the Institution for youth with behavioural disorders in Zagreb. The space for accommodation is limited, there are not enough professional care givers, no medical pre-screening exists, no programmes for dealing with specific needs of foreigners-minors,

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<sup>19</sup> Available at: [http://www.scottishrefugeecouncil.org.uk/news\\_and\\_events/latest\\_news/1499\\_guardianship\\_scheme\\_helps\\_lon\\_e\\_young\\_asylum\\_seekers\\_rebuild\\_their\\_lives\\_in\\_scotland](http://www.scottishrefugeecouncil.org.uk/news_and_events/latest_news/1499_guardianship_scheme_helps_lon_e_young_asylum_seekers_rebuild_their_lives_in_scotland)

there are no translation services secured and freedom of movement is partially restricted. UNHCR visits the Institution and continues to raise those issues in every occasion, advocating with the authorities for an appropriate solution.

The Ministry of Interior announced in 2007 that they will build and facility an accommodation for minors and vulnerable groups (semi-open) on the grounds of the current Detention Centre for Illegal Migrants. However, the construction has been significantly delayed. The project is currently still at the preparatory and planning stage.

In the asylum field, the Government and civil society are not ready to face the increasing number of asylum seekers or specifically the growing number of asylum seeking unaccompanied minors. Reception capacities in general are severely restrained and there is a distinctive lack of coordination between the stakeholders. There is a lack of comprehensive mechanism for protection of unaccompanied minors outside the asylum procedure.

### **Finland**

There has been a major decline in the number of separated children coming to Finland in the last two years. This means cuttings in the reception system – some units are no longer needed. Right now it would be a perfect time to develop the system.

### **Germany**

In January 2012, 60 separated children, mainly from Afghanistan, aged 16 and 17, went into hunger strike against the unacceptable living conditions in the reception centre for separated children in Munich. For more than two weeks the minors tried to convince local authorities. At the end some small improvements could be achieved. But the main problem, the placement in a centre which is not run under the conditions of the national youth welfare system, was not touched. Right now, the minors are still organised and they started to establish a campaign against deportations to Afghanistan.

### **Greece**

The transnational project, which was set-up by UNHCR and the Greek NGO PRAKSIS in Patras since August 2011, continues to provide unaccompanied children 'on the move' with basic services. The project has so far (September 2011 – March 2012) assisted over 230 children found in the wider area of Patras, including persons returned from Italy registered as minors by the Greek authorities, with basic humanitarian assistance, to address their urgent day-to-day needs as homeless. Children served by the Project are mainly Afghans, Iranians, Pakistanis and nationals of several African countries. Some 180 children have received

information on their rights, and expert legal, social and medical support, through the services of a social mediator. A smaller number has been successfully referred to protection structures (reception centres) around Greece, because of the children's unwillingness to leave from the area in order to potentially attempt to continue their trip to W. Europe. The day-run "Drop-In Centre" which has been established in Patras through the Project, provides also recreational activities to the unaccompanied minors and the ability for them to contact their families.

To help Greece in dealing with its large number of asylum seekers and migrants, Norway has announced that they will provide NOK 160 million to Greece. The Norwegian Minister of Foreign Affairs Jonas Gahr Støre has said: "Migration is a major challenge for Europe, and not least for Greece. Priority will be given to the reception facilities for unaccompanied minors who are seeking asylum". This work will include improving health services for recent arrivals, and there will be opportunities for supporting NGOs that run reception centers and provide medical assistance to migrants.

### **Hungary**

On March 12 2012 in Budapest, Hungary: Terre des Hommes – in the framework of the [project Mario](#) – organized a roundtable discussion on the situation and protection needs of non-asylum seeking foreign unaccompanied minors in Hungary.

In preparation to the discussion a small research was conducted on the numbers of these minors in Hungary, and the challenges child protection homes face when trying to provide adequate protection for them. According to the research – which will be published shortly – most of the non-asylum seeking unaccompanied children are accommodated in the border regions with Serbia, Csongrad and Bacs-Kiskun counties, however other child protection agencies are also receiving migrant children in increasing numbers.

There was a heightened interest both from child protection homes that are struggling to keep up with the increasing flow and from border guards, the immigration authorities and NGOs to discuss this issue and more than thirty people attended the discussions. While there seem to be a tendency to look at the issue from an immigration policing point of view, Terre des hommes, its partner NGOs and child protection professionals put the focus back on the children, who deserve protection in their best interests.

Child protection homes have difficulty in providing culturally adequate food and clothing to the children who are increasingly coming from Muslim countries,

while translation and provision of adequate healthcare are burning issues to be solved. Contrary to asylum-seeking unaccompanied minors who are placed in one particular child protection home in Fót, the non-asylum seeking minors are scattered around several ones, where there is no possibility of providing adequate interpretation services for them. In fear of being returned, and not feeling secure, more than 50% of the youngsters run away or disappear often with a person – whose degree of relationship with the child cannot be assessed – waiting outside the child protection home to take them further.

The child protection home managers were advocating for more, specialized accommodation places for non-asylum seeking unaccompanied minors, the introduction of appropriate isolation rooms in case the youngsters have communicable diseases, and training for their staff in multi-cultural communication.

The representative of the ombudsman's office pointed out that she is currently working on an enquiry into the Fót center, while her next enquiry will deal with the protection provided to non-asylum seeking foreign unaccompanied minors, so a detailed report can be expected from the Parliamentary commissioner's office about this issue.

## Ireland

Although the Health Service Executive formally committed to ensuring separated children were permitted to remain with their foster carers until the age of 23 if they were in full-time education, they have since reneged and have begun to move separated children out of foster care after their 18<sup>th</sup> birthdays. This has yet to be successfully challenged:

*Enguye v. Health Services Executive [2011] IEHC 507 (High Court, Gilligan J, 26 October 2011)*

*High Court refuses judicial review of HSE's decision to cease care for unsuccessful asylum seeker on reaching age of 18. (Full text.)*

*Judicial review – child care – Congolese child in care of HSE reaching age of 18 – cessation of HSE's care for applicant – whether HSE obliged to consider aftercare needs of applicant – relocation of applicant from Dublin to Galway against wishes – whether delay in making application for judicial review – discretion to extend time – whether alternative remedy of complaint under part 9 of Health Act 2004 – residence in unregulated hostel run by private operator – Statutory Instrument 259/1995 Child Care (Placement of Children in Residential Care) Regulations 1995 – lack of care plan – failure of asylum application, and leave to remain on humanitarian grounds – whether any obligation on HSE to provide for child until age of 21 – whether discretion of respondent fettered – whether status of*

*applicant fell to be considered under Refugee Act rather than Child Care legislation.*<sup>20</sup>

## Italy

In order to provide an appropriate solution to the “Winter Emergency” situation (Emergenza freddo) for foreign children in transit, a new center offering overnight accommodation and basic services on a temporary basis for up to 22 children in transit (including children with mothers) opened in Rome on 8 December.

The center, called A28, provides the opportunity to offer UASC, intending to proceed elsewhere, time and a more relaxed venue to be better informed on their rights, protection opportunities in Italy and risks inherent in continuing the journey, to help them reflect on their choices. The center is open from 10 pm to 8 am every day of the year. The centre is coordinated by the NGO, Intersos, with the collaboration of Save the Children, and run by the Civico Zero Cooperative but coordinates with other civil society organizations working with Afghan children in Rome for cross referral of cases, particularly since a temporary, emergency, tensile structure was opened to host adult refugees and asylum-seekers who otherwise sleep on the streets.

In February 2012, the Child Ombudsman for Lazio Region began monitoring the system of reception of unaccompanied minors set up in the region to provide a response to the so called “Children's Emergency”(following the Arab Spring affecting countries of origin of migrants from Northern Africa). A report of those findings should be produced for May 2012.

An NGO raised a point of order with the Parliamentary Commission on Children regarding alleged push-backs of children arriving by ferry to Greece from Adriatic ports, possibly due to their identification as adult at arrival. The CMS was involved in following it up and a meeting was held between authorities and relevant NGOs and UNHCR. According to the police, no UASC is pushed-back to Greece.

In the ports of Venice and Ancona, information services are present and procedures are followed by the authorities in collaboration with small NGO cooperatives (and prior to January 2012 with the Italian Refugee Council - CIR), which seem to present some guarantees in this respect, however doubts arise for practices in Brindisi and Bari

<sup>20</sup>

<http://www.staredecisishibernia.com/2012/02/16/hse-not-obliged-to-continue-care-for-congolese-girl-who-reached-age-of-18/>

(Apulia Region), where NGOs are subject to limitations with regard to access to the ports.

### **Netherlands**

In the broadcast of the Dutch television programme 'De Rekenkamer' a calculation was provided on the different costs the Dutch government makes during the stay of a separated child in the Netherlands. The complicated (asylum) procedures in practice take up many years. Striking in the calculation was the comparison in costs of housing a child in a foster family in contrast to housing a child in a large scale campus facility.

Housing a separated child in a foster family costs 6,000 EUR a year, significant less than the costs to house a separated child on a campus (40,971 EUR a year).

'De Rekenkamer' concluded: "A separated child is not expensive. Expensive are all the complicated Dutch procedures and authorities".

### **Norway**

Because of the decreasing number of separated children seeking asylum in Norway, several reception centres will not continue their contracts. Today there are six reception centres for unaccompanied minor asylum seekers aged between 15 and 18 years.

### **Romania**

In the reporting period separated children seeking asylum are accommodated in the open Reception Centres managed by the Romanian Immigration Office or in shelters under the administration of the local Directorates for Social Assistance and Child Protection.

The Government, in cooperation with Save the Children Romania, is striving to ensure that the reception facilities are generally adequate to the children's needs.

### **Slovakia**

Beside the two foster homes for the placement of separated children described (Horne Orechove and Medzilaborce), the Internal Instruction states that in each region there will be determined one foster home for the placement of separated children granted subsidiary protection. It means that separated children granted subsidiary protection can be placed throughout Slovakia in various foster homes together with Slovak children.

Concerns regarding the reception conditions of separated children seeking asylum remain as they are placed in reception and accommodation facilities together with adult asylum seekers. There have been various discussions with both competent ministries – of interior and of labour, social affairs

and family – who said there were "plans" to change legislation in this regard, however nothing has changed until today.

### **Slovenia**

A lack of appropriate accommodation for separated children (for all categories – non-asylum seeker, asylum seekers, and refugees) still remains.

### **Sweden**

Since January 1st 2012 separated children, comprised by Dublin II, are placed in a municipality and do not stay in the municipality of entry as before.

## **Missing children**

### **Ireland**

Irish Times reports that three unaccompanied minors who went missing last year while in the care of the Health Service Executive (HSE) have still to be traced. The HSE says it takes every incident of missing children extremely seriously, but that the issue of separated children who go missing from care is complex and has, at times, been simplified or sensationalized, the spokeswoman said. She added that a pattern had emerged in recent years relating to children who went missing from care, who were almost exclusively made up of Chinese nationals. Between 2000 and 2010, 512 unaccompanied children seeking asylum went missing from State care. Seventy-two of these have been found.

Where statistics were formally noted in the Health Service Executive's statistical reporting, they are no longer as visible. In the 2011, annual, statistics there is only one mention of a separated child going missing.

### **Netherlands**

Defence for Children-ECPAT received information that a significant number of separated children (often Afghan boys) are brought to the application centre at Schiphol Airport. These children don't ask for asylum, claiming to be in the country only temporarily because they want to be united with family members in Sweden. In the Netherlands they don't want to apply for asylum or they don't want to be registered at all. Since the separated children do not apply for asylum and the authorities cannot force the children to make use of the facilities in the Netherlands the children are released and put on the street. It is unknown if the separated children arrive in Sweden or if there are possible risks of human trafficking or exploitation. This is an alarming situation.

An attempt is made to persuade the children to stay in shelters, however the authorities cannot force the

children and detention is not a option. The problem is that the children do not want to cooperate and there is not enough time to win their trust. Defence for Children-ECPAT the Netherlands will try to get more information on this phenomenon during the research for the GATE project (See the paragraph on Guardianship in this SCEP newsletter).

### **Slovakia**

There are no official statistics on missing children, however according to our practice and our discussions with employees of the foster home and of the offices of labour, social affairs and family, the vast majority of separated children (our guess is that probably more than 95%) “disappear” from the foster home within few days after their arrival.

### **Slovenia**

The trend of children going missing a few days after their arrival to the Asylum Home still remains. In 2011, 42 out of 58 separated children, who applied for asylum, disappeared from the Asylum Home.

### **UK**

The all party parliamentary group on children looked after and leaving care has announced an inquiry into children and young people who run away or are missing from care: this is an issue that affects separated children in the UK.<sup>21</sup>

## **Dublin II practice**

### **Austria**

In January 2012, the BH administrative district authority Neusiedl/See ordered for at least 6 separated children to be held in more lenient measures to detention in Zinnergasse in Vienna. It was intended to send them back to Hungary within the framework of the Dublin II Regulation. It took 6 weeks to find out that one of them was suffering from tuberculosis. There should be a medical examination straight after arrival, but as these separated children were not transferred to the first reception centre and instead hosted in a recently opened floor for the conduct of more lenient measures to detention on separated children in a building which also houses a centre for the short-term detention of families, there seems to have been no medical exam. Also, no information is available on the care structures in this new facility. For six weeks the youth welfare agency was not even informed about the presence of the minors,

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<sup>21</sup> <http://www.childrensociety.org.uk/what-we-do/policy-and-lobbying/parliamentary-work/appg-inquiry-children-who-go-missing-or-run-away>

although the foreigner police are ordered to inform the youth welfare agency immediately.

### **Germany**

Dublin II is the most discussed topic of the German asylum system. Pro Asyl has published a study on the conditions in Hungary.<sup>22</sup> The debate is quite controversial, in the public the living conditions for asylum seekers and refugees in countries like Malta, Italy or Hungary are under discussion. TV-stations have broadcasted respective reports. On the other side the German government negotiates against improvements of the proposals of the upcoming directives drafted by the EU-commission.

### **Greece**

GCR has not reported any children being returned via Dublin II. Yet there have reportedly been cases of unaccompanied minors' returns which are characterized as readmissions from Italy, even in cases where the age of the child was not in doubt. GCR has seen an increased demand for family reunification via Dublin II. This becomes a trend which we have been able to address so far with great difficulty, literally outsourcing ourselves.

### **Romania**

One child from Iraq was sent to his family in Germany under the Dublin II Regulation.

### **Slovakia**

We have not monitored any Dublin case of a separated child in the previous year. We requested this information from the Dublin Unit of the Migration Office of the Ministry of Interior of the Slovak Republic and we received the answer that they do not have official statistics in this regard, however they claim that in 2011 there was only one case of a separated child transferred to Slovakia under Dublin II Regulation. This case was a 17 years old boy from Moldova who had already applied for asylum in Slovakia twice before his Dublin return.

### **Spain**

In principle, the Dublin II Regulation is not applied in the case of separated children in Spain. In these cases the sovereignty clause is applied. The decision to trace family members in other member states stays with the Child Protection Authorities and

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<sup>22</sup> See only in German language:

[http://www.proasyl.de/fileadmin/fm-dam/NEWS/2012/PRO\\_ASYL\\_-bordermonitoring\\_Ungarnbericht\\_3\\_2012\\_Web.pdf](http://www.proasyl.de/fileadmin/fm-dam/NEWS/2012/PRO_ASYL_-bordermonitoring_Ungarnbericht_3_2012_Web.pdf)

therefore outside the scope of the Asylum Procedure and the Dublin Regulation. Nonetheless, according to article 6, Spain will accept the responsibility for examining the asylum application if it has been lodged on territory. In these cases, the problem may arise whenever the child has been declared an adult in Spain as a result of the age assessment under his arrival. Even if he/she has been treated as an unaccompanied child in the requesting Member State, if he/she has been registered as an adult at first arrival, he/she will be treated as such when he/she enters into the Spanish territory. During the period covered by this update at least two cases have been identified.

## **UK**

Returns of separated children are currently suspended in practice following the Court of Appeal judgment in MA/BT and DA – the case of three unaccompanied children who challenged the legality of returning children to a country where they had previously claimed asylum. The issue has been referred to the Court of Justice of the European Union.<sup>23</sup>

## **Procedures and Recognition**

### **Austria**

The legal representation of separated children during the admissibility procedure has changed recently. Now two associations (Verein Menschenrechte Österreich and ARGE Rechtsberatung) are responsible to act as legal representatives for separated children during this first stage of the asylum procedure and as long as they are not allocated to a federal state. The problem is, that the recourses for fulfilling this tasks are not sufficient at all. Therefore the quality of the legal representation is weak.

In one case, the legal representative (Verein Menschenrechte) didn't make an appeal against a negative Dublin II decision, therefore the minor submitted the appeal by himself. The Asylum Court rejected this appeal, because it was not signed by the legal representative.

Since the beginning of 2011 asylum seekers from Afghanistan (including minors) do not receive as often subsidiary protection as before. This is a very problematic development, because the security situation in Afghanistan is still very concerning.

### **Belgium**

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<sup>23</sup> Available at:

<http://www.bailii.org/ew/cases/EWCA/Civ/2011/1446.html>

Since the 8th of December 2011 a new law regarding the durable solution for non asylum-seeking children has been applied. The guardian makes a proposal of a durable solution. Other elements of proof to bring in the procedure are: the family situation of the minor, the proof of subscription into a school, the proof of the knowledge of one of the three national languages and all other elements that would be specific to the situation of the minor. One major concern for this law is that there is a possibility to modify the durable solution (from the legal stay to return or family reunification) if the minor would have given (some) false information at some point in the procedure. An evaluation of the practice of the law is planned.

### **Croatia**

One unaccompanied minor from Afghanistan was granted refugee status.

### **Finland**

In 2011 there were 132 decisions made regarding separated children. 115 of them were positive (87 %). (In comparison, 79 % in 2010 and 57 % in 2009 of the decisions were positive). In 2011, 2 children was granted asylum, compared to 6 in 2010. Other positive decisions in 2011 were: subsidiary protection (68), humanitarian protection (12), and other grounds (33).

From the total 14 negative decisions made in 2011 only one case was handled in Finland and 13 were Dublin cases (which are recorded as negative decisions by the Finnish Immigration Service. The proportion of the Dublin cases from all the decisions made to separated children has diminished: it was 32 % in 2009, 6 % in 2010 and 10 % in 2011. One reason for this is the policy of the Finnish Immigration Service to not return separated children to Greece.

### **Hungary**

In the recent years the Hungarian Helsinki Committee (HHC) found in the framework of its border monitoring programme together with the UNHCR that separated children's access to the territory of the country and the asylum procedure might be hindered by several factors. The practice of expelling those that are the most vulnerable in mixed migratory flows without properly assessing the consequences of such an expulsion order is deeply worrisome.

According to the Article 45 (5) of the Aliens Act, an unaccompanied minor may only be expelled if adequate protection is ensured in his country of origin or in a third country by means of reuniting him with other members of his family or by state or other institutional care.

This provision aims to provide (procedural) guarantees and a wider protection against unlawful expulsion for children compared to adults. The above conditions may be seen as extra criteria that have to be observed by the proceeding authority (which is in most of the cases the Police), providing that the child can only be removed from Hungarian territory if the family unity is assured or proper institutional care is provided otherwise. The practice, however, does not entirely comply with the legal obligations set forth in the Aliens Act as described above.

Practical concerns related to the expulsion of separated children are the following. Through its border monitoring project the HHC has access to the files of unlawfully staying foreigners that have already been expelled and removed from the country by the Police. In the course of consultations of such anonymised files, the HHC found that each year in a significant number of cases, unaccompanied minors are readmitted to the neighbouring countries without even mentioning that the above legal provisions were observed. This shows that although the law would provide for a stringer protection for separated children, practice does not necessarily follow the relevant legal provisions.

### **Ireland**

Irish Times reports that according to a submission by the Irish Refugee Council, children involved in the asylum process in Ireland are growing up in a form of institutionalization and in poverty. In its submission to the European Commission on Racism and Intolerance the refugee group said the State is maintaining systems that are time consuming, costly and damaging to asylum seekers. There are significant safeguards and procedural protections missing from the Irish asylum system that place those claiming asylum at a disadvantage. The Council of Europe body will carry out a monitoring visit to Ireland next year.

Several attempts at law reform have been made over the last ten years. The most recent, the Immigration, Residence and Protection Bill 2010, was before the Justice Committee when the last Dáil fell. Minister for Justice, Alan Shatter TD, has indicated that a revised IRP Bill will be brought before Committee during the 2012 Dáil term.

### **Italy**

Difficulties and/or delays in accessing refugee status determination (RSD) procedures are still present and are mainly due to:

- the appointment of the guardian, who needs to validate the request for asylum is lengthy and often delays the actual access to RSD;

- reception conditions and other considerations (prospects for integration, presence of family members in other European states, etc) which may contribute to children's decisions to merely transit through Italy, without getting advantages of the available protection mechanism and thereby exposing themselves to the risk of abuses inherent to the continuation of the journey;

- potential asylum seeking children may not always be aware of the possibility of requesting asylum due to a lack of information and/or proper guidance, also given that they have, anyway, the right to stay in Italy at any rate as foreigner UASC;

- the absence of a multidisciplinary mechanism of age determination, which remains an issue of concern.

### **Netherlands**

X.H.L. is a Chinese boy who entered the Netherlands as a separated child when he was twelve years old. He applied for asylum but his request was rejected and X.H.L. did not receive a special residence permit on the ground of being an unaccompanied minor.

The Human Rights Committee is of the view in the case of X.H.L. versus the Netherlands (CCPR/C/102/D/1564/2007) that the decision of the Dutch government to return X.H.L. to China violates his rights under article 24 in conjunction with article 7 of the International Covenant on Civil and Political Rights. The Human Rights Committee notes that the Dutch government failed to duly consider the extent of the hardship that the boy would encounter if returned, especially given his young age at the time of the asylum process. The government failed to identify any family members or friends. The Committee rejects the statement of the government that it would have been in the best interest of the child to be returned to China.

In response to the Human Rights Committee, the Dutch government states that they 'will not take any measures to give effect to the Committee's Views'. Defense for Children International - the Netherlands responded with a view that argues that the Dutch government in their response neglects the responsibility in relation to the Covenant and the authority of the Human Rights Committee.

It is not the first time the Dutch government fails to take any measures or learn lessons after a decision of a high standing Committee. In 2009 for instance the Dutch authorities were reluctant implementing the European Committee on Social Rights' decision to stop eviction of families from reception centers. It took a campaign of multiple NGO's, Parliamentary questions and several national Court decisions before the government took measures and now provides shelters to families prior to their return.

It would adorn the government if it would not shift the responsibility to take measures based on the decisions of Committees to national Courts but take the necessary measures it signed up for by itself. Defense for Children urges the Dutch government to take responsibility for the violations of article 24 in conjunction with article 7 of the Covenant in the case of X.H.L and prevent such violations in the future. Hopefully the Human Rights Committee will consider further measures to be taken.

### **Slovakia**

The Migration office, similarly to border and foreign police, has started to apply more routinely the age assessment in the asylum procedure in the last year and similarly to foreign police this is done exclusively in the form of RTG examination of the wrist, including in cases when e.g. the child claims to be 17 (reaching the age of 18 in a few months) when it is obvious that RTG examination cannot prove reliably the chronological age. We have represented in the asylum procedure a Somali female separated child claiming to be 17 and the radiologist declared her bone age 18 and more. We submitted our statement to the Migration Office explaining that the bone age and chronological age are not identical and there can be big differences, however based on this conclusion of the radiologist (which was not the forensic expert, only radiologist from a local clinic) the asylum seeker was found to be adult for the purposes of the asylum procedure and the guardian accepted this conclusion of the Migration Office without any objections.

The majority of the separated children seeking asylum come from Somalia and Afghanistan and in general they are granted subsidiary protection. However, the practice shows that former unaccompanied minors with subsidiary protection are not satisfied with their legal status, because based on the current legislation they are not able to apply for a permanent residence permit, which maintains them in uncertainty regarding their legal status and causes them second traumatisation. We have monitored two cases in the previous year of former unaccompanied minors who applied for asylum repeatedly and currently they have both status of the subsidiary protection holder and status of the asylum seeker. We represent one of these two former UAMs from Afghanistan and in February 2012 the court cancelled the decision of the Migration Office on not granting asylum to him stressing that due to his psychological problems which are caused also by his continued uncertain legal status he should have been granted asylum for humanitarian reasons. It is the decision of the Regional Court in Bratislava no. 10Saz/5/2011

from 17th February 2012 stating regarding subsidiary protection the following:

“The court holds the opinion that the Applicant was in his country of origin systematically exposed to stress caused by the fear for his life. The uncertainty associated with his stay in Slovak Republic in the form of subsidiary protection for a concretely limited period of time worsens and intensifies psychological problems of the Applicant. According to the court it is necessary for the Respondent to consider in the present case the possibility of the grant of asylum for humanitarian reasons, in accordance with § 9 of the Act on Asylum (...). Only by providing the Applicant with the life assurances it is possible to suppress his mental problems.”

### **Slovenia**

Since October 2011 three minors, all from Afghanistan, were granted subsidiary protection. Two of them got protection for one year and the third one until he becomes of age (one year and two months). This practice has changed: previous practice was that all separated children got subsidiary protection for three years.

### **UK**

The annual statistics on decisions made on asylum applications made by children were published, showing that 19.5% of those decisions made whilst the applicant was still a child are to recognise as a refugee. The same cannot be said for those who apply as children but receive a decision once they have turned 18.<sup>24</sup>

## **Family Tracing and Reunification**

### **Austria**

Family reunification is possible for separated children with refugee status and subsidiary protection status (for the second group not before the first renewal after one year).

The family members are obliged to make a visa application at the responsible Austrian embassy. They have to bring all documents – like birth certificate, certificate of marriage – and a copy of the positive asylum decision of their child in Austria.

The authority checks if the family members are already mentioned during the asylum procedure and, if some doubts arise, ask for documents or tests to prove the family relation.

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<sup>24</sup> See here for more details at: <http://www.refugeecouncil.org.uk/policy/briefings/2012/asylumstats2011>

Frequently family members are obliged to undergo a DNA-test and age assessments. The costs for the tests are quite high (depending on how many family members are concerned it ranges from 500 up to 1.000 €). In some cases it is necessary to do the test, because the results are not always definitely – for instance because of contamination of the sample.

In one recent case, a mother got after the first DNA-examination the result, that just two out of seven children are hers. In the second test some more – but still not all of them - could prove that they are her children.

If it turns out, that the person is a family member, the authority is obliged to refund the costs. But to get the reimbursement, you have to undergo a long and bureaucratic process.

Not just the costs for this examination are a problem for family reunification, but also the duration of the procedure. In the case of separated children the guardian should be active in supporting the minor during the process of family reunification.

In January 2012, the Federal Ministry of Interior accused Afghans for sending their minor children to Austria to enable family reunification. The Ministry argued that a high number of so called “Ankerkinder” (anchor children) abuses the asylum system to bring their families. According to the asylum coordination Austria, just 17 separated children have been successfully reunited with family members in 2011.

### **Croatia**

Despite provided for under the Asylum Act, Croatia is still a novice in the field and the Ministry does not systematically search for the parents of a minor. Wherever possible, UNHCR through its partners, the Croatian Red Cross, assist in the process of family tracing. There were no cases of successful family tracing of asylum seeking unaccompanied minors in 2011. Tracing is further hindered due to the fact that the majority of asylum seeking separated children currently originates from Afghanistan and the security/lack of infrastructure issues in the country of origin.

### **Finland**

Restrictions to family reunification are planned constantly. There are several amendments made in the law that have made family reunification difficult. For example, from the beginning of 2012 it is no longer possible to leave an application in Finland on behalf of your family members. It has to be submitted to the embassies abroad. The majority of people who get international protection in Finland come from countries where people have to travel long distances to embassies in neighboring

countries – which means expensive and often dangerous travelling. There are also new different fees and people have to pay now for services or documents that were free of charge before.

As a consequence the figures have gone down dramatically: many get negative decisions to their applications, even separated children. For example Somalis got 1,392 negative and only 582 positive decisions to family reunification applications in 2011. There has also been a very strong decrease in the number of applications for family reunification (of people who got international protection).

However, the government seems to be planning new restrictions. According to the Government Programme from June 2011 the family reunification practices applied by Finland should be in line with those applied by other Nordic countries. A working group was set up to make an assessment, and it gave its report in April. According to the report it seems that the government is looking for new restrictions although it cannot present any strong arguments that Finnish legislation and rules concerning family reunification would be more favorable than in other Nordic countries. NGOs have been active during the recent year and have criticized this new tough policy.

### **Germany**

An increasing number of separated children staying in other Dublin II member states as they were separated from their families during their flight are applying for family reunification under the Dublin regulation. Although they have the right to be reunited with their families and this is accepted by the German authorities, the procedure is lengthy. Very often the BAMF is asking for DNA tests to prove the family links and the costs have to be covered by the families themselves (sometimes NGOs are taking over the costs).

### **Greece**

Family tracing is done on an ad hoc basis and usually Greek Council for Refugees (GCR) seeks the parents or older siblings rather than the minor. Regarding family reunification, GCR has witnessed an increased number of children who appear to have been left alone in Greece while their parents have left the country. The age of the children coming have progressively decreased, for example in the last two days we had 14 children (ranging from 9 to 4 years old) brought to our premises with adults claiming that either found them in the park or someone told them they were left alone etc.

They are usually requesting GCR's intervention/facilitation to gain access to the asylum procedure and family reunification under the Dublin II Convention. Following an interview with the children, GCR facilitates contact with their

parent abroad and assesses the parent's wishes. The agency alerts the Public Prosecutor and requests his intervention for their immediate protection and placement in an appropriate setting. GCR undertakes search for placements but we face extreme difficulties especially for younger ages and in cases where there are siblings with a wide range of age difference. In many cases due to lack in appropriate settings, the children end up in a Children's Hospital in order to cover at least their immediate needs until something else becomes available. This process however, if fruitful, often requires months of waiting. GCR's legal and social units work together to prepare and submit the documents and reports requested for the Dublin procedure and during the lengthy waiting it supports the children providing information and counselling.

### **Ireland**

Out of the 174 cases initiated in 2011, the Irish Red Cross only received 4 referrals from minors in the care of the HSE. This number has decreased as compared to recent years. This may be due to the fostering of the children and the Social Workers in rural areas not knowing about the tracing/reunification services offered.

### **Netherlands**

On 15 November 2011 the European Commission (EC) presented the Green Paper on the Directive 2003/86 on the right to family reunification. With the Green Paper the EC starts the discussion on possible changes to the Family Reunification Directive. Defence for Children emphasizes the required children's rights approach and advocates for an interpretative guideline to the Directive to specify the interest of the child in family reunification procedures. Defence for Children focuses on the interest of the child to exercise the right to family life. The interest of the child keeps on being an abstract terminology and it is uncontrollable in which way and to which extend various actors apply the 'interest of the child'. In the Dutch context there are many challenges and there is much room for improvement when it comes to the implementation of the Directive in relation to the interest of the child. Defence for Children is very concerned about the position of the child in the family migration policy. The restrictive policy is applied to thousands of children every year who ask the Dutch government to be reunited with their mother or father. 81-97% of the requests of children to be reunited with their parents are rejected. This restrictive policy violates the fundamental right to family life of these children. Therefore Defence for Children would welcome Interpretative Guidelines and proposes a rights of

the child-effect report for the Directive, in which per article a description of the fulfilment of the interest of the child is provided.

### **Sweden**

On 18 January, an important decision came from the Swedish Migration Court of Appeal. The decision means that children who cannot prove their identity can still receive residence permits to move to a parent in Sweden. The relaxation of the rules can also apply to an accompanying parent, or a parent who wants to move to a child already living in Sweden.

During the last couple of years family reunification has been hindered regarding persons that come from countries where Sweden does not recognize the travel documents and where the person cannot prove his/her identity (mostly Somalia and Afghanistan). The decision opens up for separated children to reunite with their parents.

### **UK**

Between October–December 2011 the Refugee Council's Children's Section referred 17 children to the Red Cross Tracing Service. Between January – March 2012, 29 referrals were made.

A judgement from the UK Court of Appeal on 16 March 2012 touched on family tracing in a case regarding 3 Afghan boys.<sup>25</sup>

The judgement clarifies further the duty on the Secretary of State to attempt to trace a child's family members as soon they make their application. The court finds that the tracing duty (UK's regulation 6 reflecting Article 19 of Reception Directive) is NOT separate to the asylum determination; it is intimately connected with the determination of the application.

## **Return and reintegration**

### **Belgium**

Voluntary return of separated children has been stated in the political programme of the Secretary of State for migration and asylum as a priority for the government. The return directive has been transposed into national law and has been official since the 19th of January 2012.

Caritas and IOM Belgium are currently doing two research pilot-projects in Morocco (IOM) and Guinea (Caritas) to investigate potential partnerships for the follow-up and potential partners to train or employ minors who would return voluntarily.

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<sup>25</sup><http://www.bailii.org/ew/cases/EWCA/Civ/2012/315.rtf>

## Germany

On 22 November 2011 a law entered into force which was aimed to implement the EU return-directive. According to the new Section 58 Para 1a Residence Act the authority has prior to the forced return of an unaccompanied minor to ascertain that the minor shall be satisfied that he or she will be returned to a member of his or her family, a person which is entitled to the custody of the child or an adequate reception facilities in the State of return. It is however, not clear which authority has to examine these preconditions. Besides, Art. 10 Para 2 of the return Directive, which says that “before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to the best interests of the child”, has not been implemented.

## Slovakia

Separated children are not returned forcibly from Slovakia and we have no information on the cases of voluntary return of unaccompanied minors in the previous year.

## Slovenia

Slovenia officially started with returning/deporting undocumented migrants but not separated children to Afghanistan.

## UK

BBC News reports that Afghan children whose asylum claims have failed may be sent back to Kabul by the UK from next year. European refugee groups have warned they risk ending up in orphanages in a war zone. The Home Office says it will affect only 16- and 17-year-olds whose families can be traced. More Afghan children than any other nationality seek asylum in the UK. Last year they made 547 applications. At present, unaccompanied asylum-seeking children (UASC) from Afghanistan are not removed from the UK before their 18th birthday. The government is concerned that more are being sent to the UK by their families, risking danger and hardship at the hands of traffickers.

BBC reports that a recent investigation by England’s children’s commissioner revealed that under a ‘Gentleman’s Agreement’ with France, unaccompanied migrant children who are not seeking asylum are being returned immediately. While no numbers were available on how many, the investigation confirmed at least seven such cases in 2010. Returning vulnerable children goes against the border agency’s duty to safeguard children and promote their welfare. Immigration minister welcomed the report and said the main

recommendation had been already implemented at Dover.

The UK government confirmed that it is working as part of the European Returns Platform for Unaccompanied Minors and that this work involved looking at the possibility of providing reception arrangements in Afghanistan and Iraq. No firm plans have been revealed nor decision yet made to return any separated children.

## Trafficking

### Albania

A draft of a supplementing Cooperation Protocol of the Agreement between Albania and Kosovo ‘on police co-operation’, specifically on “Intensifying Cooperation on Combating Trafficking in Persons and Improving the Identification, Informing, Referral and Assisted Voluntary Return of Victims and potential Victims of Trafficking, especially Children” is ready for signing under the [Mario project](#).<sup>26</sup>

Aside from serving to improve the existing broader Cross-Border Police Cooperation Agreement signed on October, 2009, in an effort to combat trafficking of human beings, this Cooperation Protocol will also address issues raised by Mario project partners in the [“Observation Report: Exploitation of Albanian Children in Street Situation in Kosovo”](#).

This initiative clearly denotes the increased efforts of both countries in combating trafficking in human beings, especially that of children.

### Croatia

In 2011, Ministry of Interior quoted 14 persons as victims of trafficking. None were identified as USC.

### Estonia

Estonia’s Parliament passed legislation on March, 21 2012 banning human trafficking and making the Baltic nation the last EU country to enact such laws. The lawmakers voted 91-0 in favor, with 10 members absent. The measure makes human trafficking punishable by a maximum 15-year prison sentence. It also criminalizes sexual exploitation, including forcing minors to work as prostitutes or to appear in pornographic films and erotic performances.

Existing laws had ignored human trafficking issues such as the recruiting, transporting and exploiting

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<sup>26</sup> Joint action to protect children from exploitation in Europe with participation of Save the Children in Albania program, Terres des hommes Albania, No body’s children foundation in Poland and ECPAT and in transnational level Kosovo and Greece

victims, and allowed perpetrators to get away with short jail sentences or fines.

It has been said that the new law "is a testament to the commitment both of Estonian lawmakers and of the NGOs who have worked tirelessly to secure justice for the victims of human trafficking and ensure substantial punishment" for perpetrators of the crime.

Since October 2004, the NGO Living for Tomorrow offers Human Trafficking prevention and victim assistance, hotline service on +372 6607320. The activity is supported by the Ministry of Social Affairs. For yearly statistics: <http://lft.ee/admin/upload/files/Detsember%202011.pdf>

The NGO Living for Tomorrow organized a 2-day training-seminar in Jõhvi on 24th of November and 1st December 2012. It brought together representatives of different authorities involved in prevention and fight against trafficking in human beings. The goal of the training was to provide participants with up to date information on human trafficking situation in Estonia and abroad, strengthening motivation and supplying skills necessary for prevention of such crimes, victims' assistance and identification. The project also promoted ideas for future cooperation. LFT runs hotline service, that is an access point for general population and various specialists in Estonia and abroad, who might encounter trafficking victims in their daily life.

NGO Living for Tomorrow plan to continue its program in 2012 by organizing number of roundtable of National network of fighting human trafficking (government representatives and NGOs) and local authorities, that will allow to bring trafficking issues into spotlight of authorities' attention, lobby the Government to introduce appropriate human trafficking legislation in Estonia. They also plan to involve local media as part of the project in order to get society's attention on focal issues. Roundtables will be organized in Tallinn and Ida-Virumaa.

Goals of the roundtable can be listed as following:

- to draw attention of authorities to existence of Human Trafficking issues in Estonia and promote cooperation on National level in fighting this phenomena;
- to exchange recommendations for Estonian government officials about creation of unified procedure of defining, recognizing and protecting trafficking victims.
- to share good practices between authorities and municipalities.

## **Greece**

The increasing concern over trafficked African girls in Greece was brought up by the Union of African Women and generated a meeting with various actors, called by the Greek Ombudsman in October 2011. As reported, the numbers of under-age girls from Nigeria and other African countries who are caught in ruthless trafficking rings in Greece has alarmingly increased; one of the major problems of this phenomenon is that girls are initially (upon entry in Greece) registered as adults, while many of them are holders of asylum seeker cards, as guided by their exploiters. Additionally, they are afraid to seek the assistance of the well-run police anti-trafficking unit and to reveal their situation as sexually trafficked women, due to their fear towards their traffickers, and the severely insufficient victim-protection system in Greece.

## **Ireland**

57 allegations of human trafficking were investigated by An Garda Síochána during 2011. In some of those cases no evidence of human trafficking was found. 13 of those cases related to minors, 6 of whom were Irish. Offences came under both the Criminal Law (Human Trafficking) Act, 2008 and the Child Trafficking & Pornography Act, 1998.

## **Italy**

In late December 2011, reports of Bangladeshi boys selling roses on the streets of Palermo, the capital city of the Sicily region, emerged. Given the use of false documents to facilitate their entry and stay in Italy as children of others with regular documents, and the consequent exploitation to repay the debt for their travel and accommodation, it indicates a situation of trafficking. The phenomenon for now appears peculiar to this city.

[http://palermo.repubblica.it/cronaca/2011/12/27/news/venditori\\_di\\_rose-27249907/](http://palermo.repubblica.it/cronaca/2011/12/27/news/venditori_di_rose-27249907/)

## **Netherlands**

The Dutch Minister for Immigration, Integration and Asylum has announced measures intended to prevent abuse of the special residence permit for possible victims of human trafficking (B9 regulation). Under Chapter B9 of the Aliens Act Implementation Guidelines (the B9 regulation), foreign nationals (adults and minors) who are or might be victims or witnesses of trafficking in human beings are entitled to a reflection period of maximum 3 months during which they can decide whether or not to cooperate in criminal proceedings. If the reflection period results in a report to the police or cooperation with the police and prosecution service, this is automatically accepted as an application for a temporary residence permit for

one year. This permit is valid throughout the process of investigation and prosecution and, in principle, ends when this process has been terminated. During this period, the government provides victims with necessary legal, financial, and psychological assistance, including shelter, medical care, social security benefits, and education financing. The victim has the right to work and to receive vocational training.

Witnesses of trafficking of human beings who reside illegally in the Netherlands might also be entitled to a B9-residence permit if their presence is deemed necessary for the criminal proceedings. After termination of the temporary residence permit, the victim or witness of trafficking may apply for a continued residence permit. Among other circumstances, the permit will be granted if information on trafficking provided by a victim ultimately results in conviction of the suspect in relation to that trafficking. The Minister is convinced that many persons provide false statements of human trafficking, with the purpose to receive a temporary residence permit. However, there are no official figures to support these assumptions.

The measures (for instance the focus on the prosecution of people who provided false statements on trafficking and exploitation) proposed by the Minister illustrate the priority on criminal procedures instead of protection of those who need it. Moreover the B9-regulation is granted to just a small group of people. Victims of human trafficking are very vulnerable and they often do not report at the police because they are afraid. The humanitarian element of the B9-regulation is missing and victims of human trafficking should receive all the protection necessary. It is expected that the suggested measures by the Minister will increase the existing barrier to report human trafficking.

### **Romania**

The Regional Response Program for Child Trafficking in Southeast Europe is implemented in Romania, Albania, Serbia, Kosovo, Bosnia-Herzegovina, Bulgaria, and Montenegro, coordinated by Save the Children Albania. In Romania, the program takes place in Iasi and Suceava, aimed at establishing effective models of support services and protection of children and adolescents victims / at risk of becoming victims of trafficking, in order to prevent situations of violence, exploitation, and abuse and reduce illegal migration of children and risk of trafficking.

### **Slovenia**

The lack of suitable accommodation for the minors who are victims of trafficking still remains.

### **Spain**

Although arrivals of separated children have decreased in the last years since the peaks of 2006-2008, there is concern regarding the identified arrival of Nigerian women by sea from Morocco in advanced stage of pregnancy or with young undocumented children whose family relationship or origin has not been registered or cannot be traced. Some are put in child care arrangements by the alleged mother and protection needs of these children are assessed in relation to the mother's asylum claim which is usually rejected. Most of these women are believed to be victims of trafficking. There is serious concern that these children may end up in the trafficking networks if their protection needs are not adequately assessed and a BID procedure is adequately carried out. The General prosecutor has issued a report setting up the obligations of the Spanish authorities in these cases. The report establishes the use of DNA testing whenever it is considered necessary.

### **UK**

'Children and Young People Now' reports that young victims of trafficking have spoken of their torment at being treated with suspicion by social services and being placed in unsuitable accommodation. The claims come after Ecpat UK published 10 principles for practitioners to follow when providing accommodation for suspected victims. In its report 'On the Safe Side' ECPAT points out that there are no commonly agreed safety standards for the placement of children suspected or known to be trafficked. The charity claims this inconsistency has allowed safeguarding issues to be side-lined and, in some instances, led to further harm to the child.

Likewise, the Daily Record reported that worried civil servants warned that child traffickers could take advantage of Home Secretary Theresa May's decision to ease Britain's border controls. A leaked memo, marked "restricted", revealed the fears of Home Office staff that her plans would put kids at risk. One official said there were "mixed views" on May's idea – including concerns that not checking all under-18s against a register of at-risk children "may facilitate child trafficking".

## Child and Youth Participation

### Albania

Children's views, experiences, beliefs and attitudes regarding the services they have received from Child Protection workers have been collected and documented in a [report](#). The aim of the report was to measure the impact of the [Mario partners'](#) efforts in building the capacity of child protection professionals during the third year of implementation of the Project.

A child's perception assessment has been conducted with children that have experienced and were affected by internal movement for Albanian children. The findings of this assessment aim at designing future interventions in response to their needs.

### Germany

The youth initiative Jugendliche Ohne Grenzen (Youth without Borders) has launched a new campaign in March 2012 concerning the right of education.<sup>27</sup>

An article was published on a project which is run by the Bundesfachverband UMF on participation of young refugees in child and youth welfare homes: Stefanie Studnitz; Goran Ekmescic: Expert(inn)en in eigener Sache: Partizipation von jungen Flüchtlingen in der stationären Kinder- und Jugendhilfe, journal: Jugendhilfe 50, 1/2012-

### Ireland

Together with UNICEF Ireland, the Irish Refugee Council have been facilitating after-school sessions at Crosscare's Youth Aftercare Support Service with the aim of supporting young people in identifying key issues or concerns, choosing and agreeing on priorities, identifying their target audience and deciding how to communicate their findings. The young people are now working to produce a book outlining their experiences as separated children seeking asylum in Ireland to include recommendations for policy makers and advice for newly arrived separated children in Ireland.

### Italy

Participatory research with Egyptian children led to the production of awareness raising material (including a video in Arabic with English subtitles: <http://www.youtube.com/watch?v=P40UJzJQ4HU>) on the risks of irregular migration to Italy through the EU-funded project: "Providing alternatives to irregular migration for unaccompanied children in Egypt".

<sup>27</sup> See more at: <http://bildung.jogspace.net/>.

### Romania

Save the Children provides social counselling, educational, recreational activities and material support for school integration of 32 separated children. They participated in counselling sessions about Romanian culture, about child rights and child protection regulations in Romania. The aim was to present issues about children's rights, to explain their importance, to encourage and increase awareness in taking initiatives for the implementation of their rights.

25 children were enrolled in the educational program „The second chance" for the continuation and graduation of primary education. They receive additional support for learning Romanian language, being helped by volunteers from Save the Children.

25 separated children participated in activities involving social and cultural life (concerts, circus, occupational therapy, various sporting activities, sightseeing trips, the organization and development of artistic moments, featuring customs of the native country, cinema, the festival of urban culture and extreme sports).

### Slovenia

A former separated child was involved in organising the event 'Football against racism', which took place on 22 October 2011.

### Switzerland

Under the patronage of the "Conseil Suisse des Activités de Jeunesse" (CSAJ) the pilot project called "Speak Out!" for unaccompanied children which was conducted in 2010 and 2011 ended on 31 December 2011.<sup>28</sup>

Due to the success of the project, CSAJ has begun a second "Speak Out" project which again is especially aiming at capacity building and enhancing participation.<sup>29</sup> The participants regularly meet for internal workshops to develop joint statements on their situation which makes it easier for them to communicate their concerns to the public. The public part of the project consists *inter alia* of meetings with government officials and participation in different *fora* for public debate.

<sup>28</sup> The final report (in French) is available under: [http://www.sajv.ch/media/medialibrary/2012/01/rapp\\_ortevaluation\\_speakout\\_def.pdf](http://www.sajv.ch/media/medialibrary/2012/01/rapp_ortevaluation_speakout_def.pdf). This report is also available in German.

<sup>29</sup> <http://www.sajv.ch/en/projects/speak-out/>.

## Miscellaneous

### Albania

In the framework of the project [Mario](#), partners in Albania, Save the Children and Terre des hommes (Tdh) and the Albania State Agency for the Protection of Children's Rights at the Ministry of Labour, Social Affairs and Equal Opportunities (MoLSAEO) organized a national conference with the aim to promote the role and emphasize the responsibility that local government units have in building an effective child protection system in the country, with preventative and responsive mechanisms to all forms of violence against children. In Albania, local governments are responsible for local arrangements for protecting children and young people. They have a decision-making power to set up structures and mechanisms, as well as to allocate budgets. Their responsibilities and obligations extend towards securing local prevention, integration, rehabilitation and protection measures for children.

### Croatia

2011 saw an increase of asylum seeking unaccompanied minors, the majority of whom are of Afghan origin, male, ranging in age from 15-17. One USC was granted protection. The surge could also be linked to a wider increase of arrivals across Europe of Afghan asylum-seekers.

UNHCR proposed inclusion of Center for New Initiatives (CNI) as Croatian member of the SCEP network. CNI in 2011 increased its activities in the field of migration and USC care and assistance.

### Netherlands

The Dutch Government prohibits children without a residence permit (children in families and separated children) to follow an internship during their education programme. This internship however is often a prerequisite to obtain a diploma. The Minister of Social Affairs and Employment argues that an internship has to be seen as 'work' instead of 'education'. Educational institutions and employers who are contributing to an internship currently may be fined up to thousand of Euros. Defence for Children-ECPAT the Netherlands and a coalition of NGO's has argued for many years that it should be possible for undocumented children to follow an internship. It violates their right to education and the non-discrimination

principle that they are treated differently from Dutch Children. Over the years several Ministers have declared to solve the problem but they did not change things in practice, policy or legislation. Therefore the problem with the internships remained. The current Minister for Social Affairs and Employment does not want to solve the problem or comply with the promises made by his predecessors. Defence for Children-ECPAT the Netherlands has filed a complaint to the National Ombudsman for this violation of trust. Furthermore the municipality of Amsterdam has decided to offer internships to undocumented children (more municipalities follow this initiative) in line with the right to education and the Convention of the Rights of the Child. In addition a foundation has declared to pay the fines employers get when they provide an internship to an undocumented child.

The Dutch Labour Party has announced to work on a bill in line with the right to education and make internships possible for all children in the Netherlands.

Dutch celebrities have united to support the internet petition: [www.kinderpardon.nu](http://www.kinderpardon.nu). The petition calls to end the expulsion of undocumented children who integrated in the Netherlands and calls for a 'children's pardon', a residence permit for integrated children in the Netherlands (the Dutch Labour Party and Christian Union have proposed a bill to provide a residence permit for integrated children after eight years). The children have Dutch friends, go to Dutch schools and speak the Dutch language. The length of their residence in the Netherlands is a result of the complicated and long asylum procedures. The children should not be expelled to a country they got alienated from. Up until now more than 128,000 people have signed the petition.

### Norway

Un News Centre' reports that a group of 33 unaccompanied children who spent months in a refugee camp in Tunisia after fleeing last year's turmoil in Libya have arrived in Norway for a resettlement process. UNHCR is providing assistance with the children and their communities to establish the best interests of each child. The International Organization for Migration (IOM) provides child-friendly orientation and arranges transportation to new homes. Resettlement referrals

have been submitted and accepted by Belgium, Denmark, Finland, Ireland, the Netherlands, Norway, Portugal and Sweden in Europe.

Save the Children Norway will the next year have a campaign on the rights of the asylum seeking child.

### **Spain**

In the context of the “Solidarity in Responsibilities” FER funded project, 7 training courses on International protection of separated children were carried out from October 2011 with UNHCR participation; 3 in Madrid, 2 in the Canary Islands and 1 in Valencia. These courses have been mainly focused on the improvement of skills for the identification of children in need of international protection. A total of 210 professionals working on a daily basis with unaccompanied children followed the seminars which have had a very high degree of acceptance and participation.

### **UK**

In response to the Children’s Commissioner for England’s report ‘Landing in Dover’ (see below), November 2011, the UK Border Agency agreed as of November 2011 to suspend the application of a ‘Gentlemen’s Agreement’ to return illegal migrants who have not claimed asylum to France in the case of children.

In October 2011 the Diana Princess of Wales Memorial Fund launched a 12 month pilot Strategic Legal Fund for Refugee Children and Young People.<sup>30</sup> The primary aim of the SLF is to assist lawyers and the courts to develop the law in a way that promotes the best interests of children in their need for international protection and support.

## **Events**

### **Albania**

October 2011:

1 day Conference on Cross-Border Police Cooperation. Organized by Save the Children in Albania and Terre des hommes under their joint [Mario](#) project and supported by the Organization for Security and Cooperation in Europe.

19 April 2012, Tirana, Albania:

1 day national conference with an aim to promote the role and emphasize the responsibility that local

government units have in building an effective child protection system in the country. Organized by Save the Children in Albania program and Tdh.

### **Austria**

23 April 2012, Vienna, Austria:

The United Nations Office on Drugs and Crime (UNODC) held an event on “Protection of the Human Rights of Children Deprived of their Liberty”.

### **Belgium**

12-13 June 2012, Belgium:

Academy of European law (ERA), “How to litigate before the European Court of Human Rights: Practical guide to procedure”:

[https://www.era.int/cgi-bin/cms?\\_SID=NEW&\\_sprache=en&\\_bereich=artikel&\\_aktion=detail&idartikel=122824](https://www.era.int/cgi-bin/cms?_SID=NEW&_sprache=en&_bereich=artikel&_aktion=detail&idartikel=122824)

### **Croatia**

15 June 2011, Zagreb, Croatia:

Presentation of the study "Unaccompanied Migrant Children in the Republic of Croatia: Understanding of the problem, capacity for action and necessary measures for assistance and care". Organized by UNHCR, Governmental Office for Human Rights and Center for New Initiatives

18 June 2011, Zagreb, Croatia:

Croatian TV – Public campaign “You are not alone”. Purpose: Collecting donations for refurbishment of the premises for reception of separated children outside of the asylum procedure. Applicant: Croatian Red Cross and Center for New Initiatives.

### **Denmark**

18-19 June 2012, Copenhagen, Denmark:

The Danish Presidency of the Council of the EU and Save the Children are organizing a conference for EU-member states on ‘Unaccompanied Minors Arriving in Europe - Recent Developments & Practical Tools’.

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<sup>30</sup> See more: <http://www.migrationwork.org/strategic-legal-fund>

## **Estonia**

October 2011:

Field training under the project “Ensuring Immigration Management, Receipt and Protection of Asylum Seekers – 5” (MINAS-5) was organized by IOM Tallinn. All parties (IOM, Estonian Police, Border Guard Department, Board Citizenship and Migration Department; and the Ministry of Social Affairs, etc) participated at the field training where the issue of unaccompanied minors coming to Estonia and their cases procedures were played through.

24 November and 1 december 2011, Jõhvi, Estonia:  
Two days training seminar on trafficking. Organized by NGO Living for Tomorrow.

30 November 2011, Tallinn, Estonia:  
Roundtable on the IOM report [“Reception of Unaccompanied Children Seeking Asylum in Estonia”](#). Organized by IOM.

24 January 2012, Tallinn, Estonia:  
Roundtable for NGO dealing with refugees. Organized by The Estonian Refugee Council

## **Finland**

30 May 2012, Helsinki, Finland:  
There will be a launching seminar of a study and recommendations about the guardianship system in Finland. Germany will be introduced as an example of another member state. Here a panel discussion with relevant actors, including the Ombudsman for Minorities as well as the Ombudsman for Children, will take place. The seminar is organized by the Central Union for Child Welfare.

## **Germany**

4-6 June 2012, Hofgeismar, Deutschland:  
Basic-Training on unaccompanied children. Organised by Bundesfachverband UMF

## **Greece**

December 2011, Patras:  
A ‘Consultation’ meeting in the framework of the UNHCR-run ‘Children on the Move’ Project took place, engaging local actors in discourse around children’s protection needs.

April 2012, Athens:

A second ‘Consultation’ meeting, with closed participation, focusing on identification and guardianship.

## **Hungary**

5-6 December 2011, Budapest, Hungary:  
Two day conference on the findings of the project “Best practices for a coordinated approach to assist unaccompanied minor asylum seekers and former UAMS in EU MS (CAUAM).” Organized by IOM Hungary.

12 March 2012, Budapest Hungary:  
One day roundtable discussion on the situation and protection needs of non-asylum seeking foreign unaccompanied minors in Hungary. Organized by Terre des hommes.

## **Italy**

17 November 2011, Bologna  
Final event of the project "Closing a Protection Gap: standard per i tutori dei minori stranieri non accompagnati". Organised by Defence for Children Italy

12 December 2011, Rome  
First National Consultation Meeting - ERF Project “Protecting Children on the Move” . Organised by UNHCR and Save the Children Italy

20 December 2011, Rome  
Presentation of IV Report on the situation of UASC in Italy by Cittitalia-ANCI National Association for Italian Municipalities)

20 January 2012, Rome  
Inauguration event for the Emergency night accommodation centre A28 for children in transit in Rome. Organised by Intersos and Save the Children Italy

## **Norway**

4 May 2012, Oslo, Norway:  
One day seminar about children on the move and the best interest of the child. Organized by Støttegruppen for Yalda & Allan, NOAS, Norwegian People Aid, Fagforbundet & The Norwegian Centre against Racism.

9 May 2012, Oslo, Norway:  
Save the Children Norway presents their campaign on the rights of the asylum seeking child.

22 May 2012, Oslo, Norway:  
One day seminar about family reunification.  
Organized by the Norwegian Directorate of Immigration

### **Poland**

5-6 October 2011:  
Conference “Looking for missing persons in Poland and abroad”, organised by Itaka Foundation and Ministry of Interior.

11 October 2011:  
Seminar for family courts judges “Position of unaccompanied minors – victims of trafficking in proceedings of family courts”, organised by Ministry of Interior.

9 December 2011:  
Workshops “Building Strategies to Protect Children in an Irregular Migration Situation in Poland”, PICUM.

23 February 2012:  
Conference “A woman is not for sale”, organised by Association Po Moc in Katowice.

28 February 2012:  
Conference “When a human being becomes a commodity”, organised by ELSA Student Association at Catholic Lublin University in Lublin.

### **Romania**

25-26 February 2012, Bucharest, Romania:  
Two days regional workshop “Looking Forward: Building Peace - Children and Young People's Initiatives”. 14 separated children were involved together with children and youth from Albania, Serbia, Bosnia and Herzegovina, Palestine and Romania. The purpose of the event was to increase understanding of children and young people on the right of participation and conflict prevention, to enhance and support children's participation in peace building, to highlight the role of children in peace building. Organized by Save the Children.

2-3 April 2012:  
Within the project ‘Improving the Quality of Unaccompanied Minor Asylum Seekers' Guardianship and care in Central European Countries’, a training was organized by the

International Organisation for Migration, for partners from Romania, Bulgaria, Czech Republic, Hungary, Poland, Slovakia and Slovenia. A synthesis report was drafted for providing an overview of the guardianship systems, concepts, practices and policies in the abovementioned countries. In the same time, a training manual was elaborated for guardians and caregivers in the project countries. In Romania, Save the Children and General Directorate for Child's Protection will organize a workshop to enhance the quality of guardianship in order to ensure the best interest of the child.

### **Slovakia**

25 - 26 October 2011, Bratislava, Slovakia:  
Two days seminar on unaccompanied minors for employees of the foster homes and of the offices of labour, social affairs and family – thematic simultaneous workshops on selected topics: international protection and asylum procedure; specific needs of UAMs in the asylum procedure and respect for the best interest of the child; psychological needs of separated children, diagnosis and prevention; child trafficking; the role of the guardian; intercultural understanding.  
The seminar is organized by The Human Rights League, Slovak Humanitarian Council and UNHCR.

### **Slovenia**

7 and 8 November 2011, Izola, Slovenia:  
National training seminar for actors working with (former) separated children in Slovenia. Organized by Slovene Philanthropy.

25 and 29 November 2011, Ljubljana, Slovenia:  
Training sessions for guardians, other volunteers and experts working directly or indirectly with separated children. Organized by Slovene Philanthropy.

### **Spain**

2 December, Madrid, Spain:  
Workshop “Children victims of trafficking: challenges and responses to their protection”. Organized by Save the Children in collaboration with UNHCR Spain.  
The Workshop was celebrated coinciding with the International Day for the Abolition of Slavery.  
The aim was mainly to train and raise awareness of main actors involved in the identification and

protection of children victims of trafficking. It was attended by lawyers, police officers, judges, prosecutors, government officials and NGOs working in this field. It counted with speakers from UNHCR, the Ombudsman Office, the Public Attorney/Prosecutor for foreigners, the Spanish Police Department for Children and Sexual Exploitation related crimes, the General Council of the Judiciary and two representatives from NGOs working in the field who addressed issues like identification of children victims of human trafficking.

#### Switzerland

9-12 July 2012, Engelberg, Switzerland:  
Summer Academy on Intergation – Organized by [www.infoklick.ch](http://www.infoklick.ch)

3-4 September 2012, Berne, Switzerland:  
8<sup>th</sup> Migrationsrechtstage - Organized by the University of Berne.

#### UK

31 January 2012:  
Refugee Support Network (RSN) had launch event of new report “I just want to study!: Access to Higher Education for Young Refugees and Asylum Seekers”. The report sheds light on an understudied area of both education and immigration policy.

21 March 2012:  
An event was held at the Refugee Council to celebrate the 18<sup>th</sup> birthday of our specialist children’s service. It was the first of a range of activities planned for 2012.  
See Refugee Council’s website for more details <http://www.refugeecouncil.org.uk/howwehelp/directly/children>

Many activities are taking place to mark Young People Seeking Safety week  
<http://www.youngpeopleseekingsafety.co.uk/>

#### Publications

**IV Rapporto Cittalia-Anci sui minori stranieri non accompagnati** [IV Report on the situation of foreign unaccompanied minors], Cittitalia-ANCI, 2011 (National Association for Italian Municipalities)

[http://www.cittalia.it/index.php?option=com\\_content&view=article&id=3670:minori-stranieri-non-accompagnati-i-numeri-del-rapporto-2011-ancicittalia-sulla-situazione-nei-comunitariani&catid=1:documenti-cittalia&Itemid=14](http://www.cittalia.it/index.php?option=com_content&view=article&id=3670:minori-stranieri-non-accompagnati-i-numeri-del-rapporto-2011-ancicittalia-sulla-situazione-nei-comunitariani&catid=1:documenti-cittalia&Itemid=14)

**Age at Migration and Future Risk of Psychotic Disorders Among Immigrants in the Netherlands: A 7-Year Incidence Study**, 2011, by investigators at Columbia University’s Mailman School of Public Health and the Parnassia Psychiatric Institute, The Hague. Available at: [http://s3.amazonaws.com/rcpp/assets/attachments/1381\\_appi.ajp.2011.11010110\\_original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/1381_appi.ajp.2011.11010110_original.pdf)

**An agenda for prevention: Trafficking for labour exploitation**, by The OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. Available at: <http://www.osce.org/cthb/86293>

**Angekommen – We have arrived**, A film by UNHCR and Bundesfachverband UMF, see: [http://www.youtube.com/watch?v=B3C8\\_Y9LBT\\_E](http://www.youtube.com/watch?v=B3C8_Y9LBT_E)

**Barn på flukt. Psykososialt arbeid med enslige, mindreårige flyktninger**. The Norwegian Unaccompanied Refugee Minors Anthology, I Eide, K. (red.) Oslo: Gyldendal. In Norwegian.

**Bedeutung und Standards von sozialarbeiterischen Gutachten bzw. Gutachtlichen Stellungnahmen in Kindes(schutz)rechtlichen Verfahren**. Daniel Rosch, *In: AJP. – Zürich. - Vol. 21(2012), No. 2, p. 173-186*. Summaries in German and French.

**Bericht des Menschenrechtsbeirates zu Kindern und Jugendlichen im fremdenrechtlichen Verfahren**, Austria 2011.

**Building Bridges**, inspiration catalogue for better integration of separated children in Europe, Better Integration of Separated Children. December 2012.

**Care for Unaccompanied Minors – Minimum standards, risk factors and recommendations for practitioners**. European Network of Guardianship Institutions (ENGI) – Guardianship in practice; Final report, 2011, by Joris Van Wijk & Jan Murk.

**Children or adults? Age Assessment Practices**. Ombudsman Special Report. Spain, October 2011 (Link to the English version of the conclusions and recommendations: <http://www.defensordelpueblo.es/en/Documentac>

[ion/Opcion5/Documentos/English children age.pdf](#)

**Child Trafficking Response Programme in South East Europe Phase III (2009-2011)**, 2011, by Save The Children In Albania, available at: <http://resourcecentre.savethechildren.se/content/library/documents/child-trafficking-response-programme-south-east-europe-phase-iii-20092011>

**Child Trafficking in the Nordic Countries: Rethinking strategies and national responses**, by Innocenti Research Centre. Available at: <http://www.unicef-irc.org/publications/654>

**Core Standards for guardians of separated children in Europe, Goals for guardians and authorities**. Leiden, 2011. Defense for Children-ECPAT the Netherlands, Available at: <http://www.defenceforchildren.nl/images/69/1632.pdf>.

**Der "Anwalt des Kindes" : eine Standortbestimmung**, Stefan Blum und Christina Weber Khan, In: *Zeitschrift für Kindes- und Erwachsenenschutz*, – Zürich. - Vol. 67(2012), p. 32-44. Summaries in German, French and Italian.

**Die Umsetzung internationaler Menschenrechtsvereinbarungen im föderalistischen Staat, Perspektiven für das follow-up zu den "Abschliessenden Bemerkungen"**, Schweizerisches Kompetenzzentrum für Menschenrechte (SKMR), Bern 10. Februar 2012 – *Study on the reports to international treaty bodies and its follow-up in federal states. The study also includes a summary and recommendations.*

**ECPAT International: Global monitoring report, status of action against commercial sexual exploitation of children, country report the Netherlands**, second edition, 2011. Available in English at: <http://www.ecpat.nl/images/13/1610.pdf>.

**Enslige mindreårige flyktninger i arbeid og utdanning**. [Unaccompanied minors participation in the labor market and education]. Vebjørn Aalandlid & Anette Walstad Enes. SSB, Reports 13/2012. Statistics Norway (SSB) has just published a report about unaccompanied minors and their participation in the labor market as well as in educational institutions. 46 per cent, or two out of three, of the unaccompanied minors were either in employment or in education at the end of 2009. This is much lower than the total population, where 85 per cent is in employment or in education, states SSB. Amongst Norwegians with an immigrant

background the number is 83 per cent. The report also shows that the level of activity of unaccompanied minors differs according to age and nationality. In Norwegian, English summary in the report: [http://www.ssb.no/emner/06/01/rapp\\_201213/rappp\\_201213.pdf](http://www.ssb.no/emner/06/01/rapp_201213/rappp_201213.pdf)

**Europäische Vergleichsstudie zur Praxis der Rückführung von Kindern**, Seraina Nufer, In: *Asyl – Bern*. - Vol. 27(2012), p. 25-26

**Fundamental rights of migrants in an irregular situation in the European Union**, 2011, by European Union Agency For Fundamental Rights, available at: [http://fra.europa.eu/fraWebsite/attachments/FRA\\_2011\\_Migrants\\_in\\_an\\_irregular\\_situation\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA_2011_Migrants_in_an_irregular_situation_EN.pdf)

**Guardianship of unaccompanied minors in the conditions of Slovak Republic. Legal situation and recommendations of adequate solutions** (Opatrovníctvo a poručníctvo maloletých bez sprievodu v podmienkach SR. Právny stav a návrhy vhodných postupov), Human Rights League, November 2011. Available on <http://hrl.sk/pages/publications#> in Slovak language.

**Hat Armut ein Geschlecht?** Judith Trinkler, In: *Sozialalmanach (Schwerpunkt Arme Kinder)*. – Luzern. - 2012, p. 170-187. Summaries in German and French.

**Hinterland**, Caroline Brothers, Bloomsbury, London 2012. <http://www.bloomsbury.com/Hinterland/Caroline-Brothers/books/details/9781408817759>

**Human Rights Advisory Board**, released in October 2011. A critical report about the practice of detention. The report is available in German language at: [http://www.menschenrechtsbeirat.at/cms15/index.php?option=com\\_content&view=category&id=51&Itemid=57](http://www.menschenrechtsbeirat.at/cms15/index.php?option=com_content&view=category&id=51&Itemid=57)

**Hungarian Helsinki Committee: Stuck In Jail, Immigration detention in Hungary 2010** [http://helsinki.hu/wp-content/uploads/HHC-immigration-detention\\_ENG\\_final.pdf](http://helsinki.hu/wp-content/uploads/HHC-immigration-detention_ENG_final.pdf)

**Integrating Refugee and Asylum-seeking Children in the Educational Systems of EU Member States: Evaluation and Promotion of Current Best Practices**, the INTEGRACE project, co-financed by the European Refugee Fund

and implemented by five partner organisations: the Center for the Study of Democracy, Bulgaria (coordinator); the CENSIS Foundation, Italy; the Ludwig Boltzmann Institute of Human Rights, Austria; Halmstad University, Sweden; and the Peace Institute, Slovenia. Available at: <http://www.csd.bg/artShowbg.php?id=15951>

**Internationale Adoption als Förderung des Kinderhandels? : eine völkerrechtliche Analyse,** Romana Weber, *In: Der Schutz polizeilicher Güter. – Zürich : Dike, 2011, p. 257-276.*

**Kartlegging av opplæringstilbudet til enslige mindreårige asylsøkere og barn av asylsøkere.** The educational opportunities for minors, unaccompanied asylum-seekers and children of asylum-seekers in Norway. Engebriksen, A. & Aaboen Sletten, M (2011). NOVA Rapport 20/11. This report is about the educational opportunities for minor, unaccompanied asylum-seekers and children of asylum-seekers in Norway. The report is based on surveys to municipalities and counties and on interviews with employees at asylum-seeker centres and care-centres for minor unaccompanied asylumseekers. In Norwegian, English summary in the report: [http://nova.no/asset/4915/1/4915\\_1.pdf](http://nova.no/asset/4915/1/4915_1.pdf)

**Kinderrechte gegen die Armut,** Michael Marugg, *In: Sozialalmanach (Schwerpunkt Arme Kinder). – Luzern. - 2012, p. 112-123.* Summaries in German and French.

**Kindern zuhören : das Recht auf Meinungsäußerung und Anhörung,** Marion Nolde, *In: Soziale Sicherheit. – Bern. - 2011, H. 6, p. 333-335.* Also available in French: A l'écoute de l'enfant.

**La vulnérabilité de l'enfant au gré des migrations,** Marie-Françoise Valette, *In: Revue trimestrielle des droits de l'homme. – Bruxelles. Vol. 23(2012), no 89, p. 103-123.*

**Landing in Dover,** Children's Commissioner for England, London 2012  
[http://www.childrenscommissioner.gov.uk/content/publications/content\\_556](http://www.childrenscommissioner.gov.uk/content/publications/content_556)

**Lepola, Outi.** A study about the guardianship system in Finland. The report and recommendations will be published 30 May by the Central Union for Child Welfare. An English summary will be available later in <http://www.lskl.fi/en/development>

**The Migration Route and Living Conditions of Unaccompanied Egyptian Children in Italy: Recommendations for a Safe Migration.** Save the Children, 2011

[http://images.savethechildren.it/f/download/protezione/egitto/ra/rapporto\\_eng.pdf](http://images.savethechildren.it/f/download/protezione/egitto/ra/rapporto_eng.pdf)

**Il diritto alla protezione [The right to protection],** ASGI (Association for Juridical Studies on Immigration), 2012 (particularly chapters 1.6 and 6 on UASC)

[http://www.asgi.it/public/parser\\_download/save/il.diritto.alla.protezione.zip](http://www.asgi.it/public/parser_download/save/il.diritto.alla.protezione.zip)

**On the Safe Side - Principles for the safe accommodation of child victims of trafficking,** 2011, by ECPAT UK, available here: [http://www.ecpat.org.uk/sites/default/files/on\\_the\\_safe\\_side.pdf](http://www.ecpat.org.uk/sites/default/files/on_the_safe_side.pdf)

**Out of Afghanistan: incredible stories of the boys who walked to Europe,** 29 January 2012, by Caroline Brothers. Available at: <http://www.guardian.co.uk/world/2012/jan/29/out-afghanistan-boys-stories-europe>

**Prevent. Combat. Protect: Human Trafficking,** 2011, by UN High Commissioner for Refugees, available at: <http://www.unhcr.org/refworld/docid/4edcbf932.html>

**“Quelle protection pour les enfants concernés par la mobilité en Afrique de l'Ouest ?”**, 2011, by Enda, ILO, IOM, MAEJT, Plan, Save the Children, Terre des hommes and Unicef, available in French at: [http://s3.amazonaws.com/rcpp/assets/attachments/1372\\_Tdh\\_Projet\\_Mobilités\\_fr\\_WEB-2\\_original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/1372_Tdh_Projet_Mobilités_fr_WEB-2_original.pdf)

**“Reception of Unaccompanied Children Seeking Asylum in Estonia”**, IOM, report developed under MINAS-5 project has been the basis for activities of CAP-CO project, putting the main focus on training the (legal) guardians and increasing understanding in need of separate and child-specific approach when dealing with UAMs (from reception and reception facilities to asylum procedures, and durable solutions).

**Report of the Commissioner of Fundamental Rights in case number AJB 733/2012**

(Report of the Commissioner of Fundamental Rights on the situation separated children in the asylum system.). April 2012

<http://www.obh.hu/allam/eng/index.htm>

**Schutz der sexuellen Integrität durch Strafrecht in der Schweiz und in Deutschland, insbesondere bei Kindern und Jugendlichen**, Günter Heine, In: *"Toujours agité - jamais abattu" : Festschrift für Hans Wiprächtiger. – Basel : Helbing Lichtenhahn, 2011, p. 385-409*

**Separated, asylum-seeking children in European Union Member States**, Comparative report, 2011, European Union Agency for Fundamental Rights.

**Separated, asylum-seeking children in European Union Member States**, Summary report, 2011, European Union Agency for Fundamental Rights.

**Sexuelle Straftaten von Minderjährigen: Ergebnisse einer empirischen Untersuchung im Kanton Zürich** / Marcel Aebi, Cornelia Bessler, In: *Schweizerische Zeitschrift für Kriminologie. – Bern. Vol. 11(2012), p. 17-28.* – German Article which also including summaries in French and English.

**Soziale Sicherheit von Kindern und Jugendlichen – Ihre Rechte, insbesondere gegenüber Arbeitgeber, Schule, Eltern, Sozialversicherungen, Sozialhilfe und Opferhilfe**, Babriela Riemer-Kafka, Stämpfli Verlag AG Bern, 2011, 423 pages.

**The Legal Status of Unaccompanied Children within International, European and National Frameworks - Protective standards vs. restrictive implementation**, 2011, by PUCAFREU project, available at: [http://s3.amazonaws.com/rcpp/assets/attachments/1374\\_Pucafreu-Legal status of unaccompanied children Vdef original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/1374_Pucafreu-Legal%20status%20of%20unaccompanied%20children%20Vdef%20original.pdf)

**The Rights and Entitlements guide for separated children**, fourth version has been published. Seeking Support is available to download and/or in hard copy <http://www.seekingsupport.co.uk/>

**The Core Standards for guardians of separated children in Europe**. Defense for Children - ECPAT the Netherlands. Translations are available in Danish, Dutch, English, French, German, Italian, Slovenian and Swedish): <http://www.defenceforchildren.nl/p/43/522/mo89-mc97/english>

**'Unaccompanied Migrant Children in the Republic of Croatia'**, UNHCR January 2012 (English version)

Radojka Kraljevic – Lovorka Marinovic – Branka Zivkovic Zigante, *Djeca bez pratnje strani drzavljanu u Republici Hrvatskoj*, UNHCR June 2011 (Croatian version).

**Unaccompanied Minor Asylum-seekers: Overview of Protection, Assistance and Promising Practices**, December 2011, by Blanka Hancilova and Bernadette Knauder. English language editor is Patricia Sutter.

**Unbegleitete Minderjährige im schweizerischen Asylverfahren**, Nora Lischetti, In: *Aysl. – Bern. - Vol. 27(2012), p. 3-12.*

**UNHCR, Hungary as a country of asylum-Observations on the situation of asylum-seekers and refugees in Hungary**. UNHCR, April 2012. <http://www.unhcr-centraleurope.org/pdf/resources/legal-documents/unhcr-handbooks-recommendations-and-guidelines/hungary-as-a-country-of-asylum-2012.html>

**Waiting for you future, Advisory report about the position of and admission criteria for foreign children** (Kinderombudsman: “wachten op je toekomst”, Adviesrapport over de positie van en toelatingscriteria voor vreemdelingenkinderen), 08-03-2012. (Children’s Ombudsman “, 08-03-2012). Available only in Dutch: <http://www.dekinderombudsman.nl/ul/cms/fck-uploaded/adviesvreemdelingenkinderen.pdf>.

**Welcome to Germany!** A Guide for Unaccompanied Minor Refugees, now available in french and Vietnamese language <http://b-umf.de/images/willkommen/willkommensbroschre-vietnamesisch-web.pdf>

**Wissenschaftlich fundierte Abklärungen im Kinderschutz : Überblick über den internationalen Entwicklungsstand - und ein Ausblick in die Schweiz**, David Lätsch, In: *Zeitschrift für Kindes- und Erwachsenenschutz. – Zürich. - Vol. 67(2012), p. 1-20.* Summaries in German, French and Italian.

**Working with Children and their Environment Manual of psychosocial skills**, 2011, by Meuwly Michele, available at: [http://dl.dropbox.com/u/6456198/Manual-of-psychosocial-skills\\_GB.pdf](http://dl.dropbox.com/u/6456198/Manual-of-psychosocial-skills_GB.pdf)

## New useful websites

### Albania

<http://marioproject.org>

### Austria

In April 2012 the website <http://www.asyl/umf.at> was released. This website, hosted by the asylkoordination österreich, contains information about the situation of separated children in Austria

### Denmark

<http://www.betterintegration.eu/>

### Estonia

Vihjeliin ([www.vihjeliin.ee](http://www.vihjeliin.ee)) is a free online service of the Estonian Union for Child Welfare which enables Internet users to provide information about material being distributed online which depicts illegal content – the sexual abuse or exploitation of minors and child trafficking. Information can be submitted anonymously; your personal details are not investigated or recorded. The project [www.targalinternetis.ee](http://www.targalinternetis.ee) was launched on 1 September 2010 and will last for 20 months. 75% of the project is being co-financed by the European Commission's Safer Internet Programme.

Free legal assistance during asylum procedures is now available in Estonia through European project implemented by the Estonian Human Rights Centre (EHRC). EHRC has developed the project "Giving Legal Assistance to Asylum Seekers" funded by the European Refugee Fund, and has guaranteed free legal support to asylum seekers during first instance procedures and appeal cases. Law students from the Tallinn University of Technology, under the supervision of senior legal experts, provide legal advice at the "Legal Aid Clinic". EHRC personnel is also monitoring conditions in the reception and detention centres for asylum seekers ([refugee@humanrights.ee](mailto:refugee@humanrights.ee))

NGO Estonian Refugee Council was re-established to help and advise refugees in Estonia: <http://www.pagulasabi.ee/pagulased-cestis/>

The Johannes Mihkelson Centre carries out the European Refugee Fund and the Ministry of the Interior's joint project entitled "Improvement of Asylum Seekers' Reception Conditions through Combined Support Services. March 2012 **NGO** Johannes Mihkelsoni Center started estonian language courses for refugees ([www.jmk.ee](http://www.jmk.ee))

In 2012 International Organization for Migration office in Estonia is implementing "Capacity

Building of Stakeholders in Asylum Process: from Procedures to Cultural Orientation" (CAP-CO) project. The project will support the Estonian Government to build capacity of its officials and employees of NGOs working with refugees. Additionally the project will implement post arrival cultural orientation (CO) for refugees arriving in Estonia. The project is funded by the European Union through the European Refugee Fund and co-financed by the Estonian Ministry of the Interior. ([www.iom.ee](http://www.iom.ee))

### Ireland

The European Database of Asylum Law (EDAL) is an online database containing case law from 11 EU Member States interpreting refugee and asylum law. EDAL summaries relevant case law in English and the Member State's national language and provides a link to, and/or pdf of, the full text of the original judgment where available.

<http://www.asylumlawdatabase.eu/en/content/about-edal-european-database-asylum-law>

### UK

The Refugee Children's Consortium has its own website:

<http://www.refugeechildrensconsortium.org.uk>

## Reporting organizations

Association for Integration and Migration  
Asylkoordination Österreich  
British Refugee Council  
Bundesfachverband UMF, Germany  
Central Union for Child Welfare Finland  
Defence for Children-the Netherlands  
Estonian Union for Child Welfare  
Greek Council for Refugees  
Human Rights League, Slovakia  
Lithuanian Red Cross Society  
Romanian National Council for Refugees(CNRR)  
Irish Refugee Council  
Menedék – Hungarian Association for Migrants  
Plate-forme Mineurs en exil, Belgium  
Nobody's Children Foundation, Poland  
Portuguese Refugee Council (CPR)  
Save the Children Albania  
Save the Children Denmark  
Save the Children Denmark  
Save the Children Norway  
Save the Children Romania  
Save the Children Spain  
Save the children Sweden  
Slovene Philanthropy  
Swiss Foundation of the International Social Service  
Terre des Hommes, Germany  
UNHCR Austria  
UNHCR Croatia

UNHCR Germany  
UNHCR Greece  
UNHCR Hungary  
UNHCR Ireland  
UNHCR Italy  
UNHCR Romania  
UNHCR Spain  
UNHCR Switzerland  
UNHCR UK

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## Statistics on arrivals of separated children seeking asylum in Europe

A = Actual; E = Estimated; P = Provisional; N/A = Not available

Receiving country	Total number 2011	Preliminary number 2012	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Austria	1,346	223 - by end February			2011: 1064	Afghanistan: 755 Pakistan: 60	Federal Ministry of Interior
Belgium	1,483	480 - by end March	2011: 1333 2012: 409	2011:316 2012:71	2011:N/A 2012:N/A	2011: Afghanistan (46,2 %); Guinea (17,2 %); Congo (3,3%); Iraq (3,0%); Somalia (2,3%)  2012: Afghanistan (45%); DR Congo (12,5%); Guinea (7,9%); Angola (6,9%); Cameroun (3,8%)	Office of the Commissioner General for Refugees and Stateless Persons (CGRS), an independent asylum authority
Croatia	197		2011: 194	2011: 3	2011: 197	Afghanistan, Pakistan, Iran, Somalia	Ministry of Interior
Czech Republic	10	N/A	N/A	N/A		Afghanistan (3); Somalia (1); Syria (1)	Ministry of Interior
Denmark	284	46 - by end February			2011: 90 % 2012	Afghanistan, Algeria, Libya	Danish Immigration Service
Estonia	4		2011:3	2011: 1	2011: 4	Syria, Vietnam (2), Somalia	Policy and Boarder Guard Board Citizenship and Migration Bureau
Finland	150	37 -by end April	2011: 115*	2011: 34		Somalia (2011: 45); Iraq (27); Afghanistan (25) Angola (11)	The Finnish Immigration Service

Receiving country	Total number 2011	Preliminary number 2012	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Germany	2,125	N/A	N/A	N/A	2011: < 15: 353 > 15: 1773	Afg. (1092); Iraq (199), Somalia (112), Syria (84), Ethiopia (54), Guinea (56), Pak. (54), Iran (44), Eritrea (28), Russ. Fed. (23)	BAMF
Greece	59		2011: 55	2011: 4	2011: 56	Pakistan Afghanistan Guinea DRC Cote d' Ivoire Sierra Leone Iran	Greek Ministry of Citizens Protection
Hungary	61	15	2011: 59 2012: 15	2011: 2 2012: 0	2011: 61 2012: 14	Afghanistan, DR Congo, Morocco, Moldova, West Bank and Gaza, Pakistan, Somalia, Ukraine.	Office of Immigration and Nationality
Ireland	26	6	2011: 17 2012: 5	2011: 9 2012: 1	2011: 20 2012: 6	Afghanistan, DR Congo, Zimbabwe	Office of the Refugee Applications Commissioner
Italy	827	N/A	2011: 784	2011: 43	2011: 719 (16-17 y.o.); 77 (14-15 y.o.)	Afghan (125), Ivory Coast (123), Mali (90)	MOI
Lithuania	19	15	2011:19 2012:14	2011:0 2012:1	2011: age 17 - 14 age 16-4  2012: age 17 - 11, age 16 - 2, age 15 - 1	Afghanistan Vietnam	Refugee Reception Centre
Netherlands	717	73 - by end February	N/A	:N/A	N/A	Afghanistan, Somalia, Guinea, Iraq, Eritrea.	www.coa.nl
Norway	858 (A)	127 (A)	2011: 738 (A) 2012: 172 (A)	2011: 120 (A) 2012: 29 (A)	2011: 705 (A) 2012: 165 (A)	Afghanistan Somalia, Eritrea Algeria, Ethiopia	UDI

Receiving country	Total number 2011	Preliminary 2012	Males of Total	Females total	Age 15-17	Main countries of origin	Source
Portugal	25 (A)	7 (P)	2011: 21 A 2012: 5 P	2011: 4 2012: 2 - P	2011: 24-A 2012: 6- P	Afghanistan (1); Cameroon (1); Congo - Brazaville (1); Congo – Kinshasha (1); Guinea Conakry (2012 – 6; 2011 - 13); Guinea Bissau (1); Ivory Coast (2); Sierra Leone ( 3); Senegal (1); Pakistan (1); Nigeria (1)	CPR
Romania	33 (A)	60 (E)	2011:33 (A) 2012: 50 (E)	2011: 0 (A) 2012:10( E)	2011: 33 (A)  2012: 54 (E)	Afghanistan Pakistan Somali  Algeria Morocco Afghanistan Pakistan	Romania Immigration Office
Slovakia	18	January- February : 0	N/A	N/A	2011: 14-15: 1 16-17: 17	Afghanistan, Moldova, Somalia	Statistics of the Migration Office of the Ministry of Interior
Slovenia	58 (A)	17(A)	2011: 57 2012: 17	2011: 1 2012: 0	2011: 50 2012: 11 <sup>31</sup>	Afghanistan, Somalia, Tunisia	Ministry of the Interior
Sweden	2,657 (A) Oct-Dec 918 (A)	By end February 436 (A)	2011: 2,257 (A) 2012: 2,635 (E) By end February 360 (A)	2011: 400 (A) 2012: 465 (E) By end February 76 (A)	2011: 2,002 (E) 2012: 2,335 (E) By end February: 340 (E)	Afghanistan and Somalia	The Swedish Migration Board.  Estimations made by SC Sweden based on the statistics.
Switzerland	292		2011: 222	2011: 70	2011: 232	Afghanistan (48), Eritrea (41), Tunisia (31), Belarus (17), Guinea (17), Somalia (16)	Federal Office for Migration FOM

<sup>31</sup> The numbers are of children aged 16 and 17 (15 years old children are not included).

Receiving country	Total number 2011	Preliminary 2012	Males of Total	Females total	Age 15-17	Main countries of origin	Source
UK	238	225	2011:199 2012: 175	2011: 58 2012: 46	2011:178 2012:160	2011: Afgh.: 69, Albania: 46, Eretria: 14, Iran: 13, Somalia: 11  2012: Afgh.: 51, Albania: 44, Vietnam: 12, Pakistan: 11, Somalia: 10	Children's Section Statistics  All actual statistics
<b>Total arrivals in 22 countries in 2011/2012</b>	<b>12,406</b>	<b>1,767</b>	2011: 5,322  2012: 3,497	2011: 1,022  2012: 625	2011: 6,435  2012: 2,765		

## Arrivals of non-asylum seeking separated children

### Belgium

It's not easy to compare different databases because they do not register the separated children on the same criteria. A way to have an indication of the number of non asylum seekers would be to deduct the number of asylum seeking children registered by the Commissioner General for refugees and stateless persons of the total of identified separated children by the Guardianship Service in 2011: 3258 -1483= 1775

### Croatia

Non-asylum seeking separated children in 2011: 552 (source: Ministry of Interior)

### Estonia

The number of asylum seekers in Estonia has been growing in recent years. It is impossible to predict the number of unaccompanied children and asylum seekers. Increases in the number of asylum seekers are related to the general global situation (wars, catastrophes etc.). Although Estonia has had only a few immigration cases of unaccompanied children (1992-2010), it would be important to raise the level of preparedness of Estonia for reception of unaccompanied children bearing in mind the best interests of a child. A significant increase in the number of unaccompanied child asylum seekers that has taken place in the neighbouring countries of Estonia might in the future be reflected in the immigration statistics in Estonia. It already has reflected, as there were 4 immigration cases of unaccompanied children in 2011.

### Germany

In 2011, about 3,600 unaccompanied children were placed in initial care by youth welfare offices, although only 2,126 applied for asylum. The difference might partly be caused by movements of some minors to other countries, but mainly on the fact that applications for resident permits for humanitarian reasons were lodged – which are not statistically counted.

### Greece

The figure in the previous paragraph, recording applications submitted, does not in anyway reflect the actual number of separated children entering the country. In Greek Council for Refugees (GCR) alone for the same year, there was recorded around 200 children who sought our assistance whilst the majority of them do not even come to NGO's as they explicitly mention that they do not trust the Greek asylum and protection system and prefer to continue their endeavours for a more secure place in other EU member states.

### Ireland

99 separated children were referred into the care of the Health Service Executive in 2011. 31 were reunited with family. It is unknown what number went on to apply for asylum.

### Italy

In 2011, 4,209 UASC were counted by Ministry of Interior on arrival in Italy (gathered in Praesidium project). The largest group of arrivals were of Tunisian nationality (1,101), and arrived on the Sicilian coast (3309), of which 2,737 landed on the island of Lampedusa.

Furthermore, at 31 December 2011, the Committee for Foreign Minors (CMS) counted 7,750 UASC in Italy (1,791 of whom reported as “irreperibili”, whereabouts unknown). Most UASC (7,333) reported to the CMS were between 16 (2,006) and 17 (4,207) years of age. Most were placed in residential care facilities for children (6,844). At that date, Egyptian children were the most numerous (1,172) followed by Tunisian (1,013) and Afghan children (1,094).

### Slovakia

Official statistics of the Bureau of Border and Alien Police for the year 2011:

Unaccompanied minors apprehended for illegal border crossing and illegal stay in 2011

Nationality	Unaccompanied minors		
	Total	Illegal border crossing	Illegal stay
Somalia	113	51	62
Afghanistan	11	2	9
Republic of Moldova	9	5	4
Bangladesh	3	3	-
Pakistan	2	2	-
Ethiopia	1	1	-
Kuwait	1	-	1
Palestinian Territory	1	-	1
Occupied Côte d'Ivoire	1	-	1
Romania	1	-	1
Russian Federation	1	1	-
Ukraine	1	-	1
<b>TOTAL</b>	<b>145</b>	<b>65</b>	<b>80</b>

Source:

[http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocnky/rok\\_2011/2011-rocnka-%20UHCP-EN.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocnky/rok_2011/2011-rocnka-%20UHCP-EN.pdf)

According to the statistics of the Central Office of Labour Social Affairs and Family a total number of **169 separated children** were entrusted to the care of the offices of labour, social affairs and family in 2011.

Both statistics mentioned in this section **include** separated children seeking asylum and non-asylum seeking children. However, it can be clearly noted that the number of non-asylum seeking children is much higher than the number of separated children seeking asylum.