

# Separated Children in Europe Programme

## Introduction

The Separated Children in Europe Programme (SCEP) was initiated in 1997 by several members of the Save the Children Alliance together with UNHCR as a response to inconsistent policies and practices across Europe by states in their approaches to addressing the needs of separated children. An integral part of the Programme is the Network of partners from non-governmental organizations (NGOs) across 29 countries throughout Europe. Initially work focused on those separated children who were seeking protection through the asylum system although the original concept of the Programme embraced a broad definition of the term 'separated child' thus placing children who were not within the asylum process firmly within its remit.

'Separated children are children under 18 years of age who are outside their country of origin and separated from both parents or from their previous legal/customary primary caregiver. Some children are totally alone while others, who are also the concern of the SCEP, may be living with extended family members. All such children are separated children and entitled to international protection under a broad range of international and regional instruments. Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation',<sup>1</sup>

Separated children are entitled to international protection under a broad range of universal and regional instruments, most notably the 1989 Convention on the Rights of the Child (CRC), the 1951 Refugee Convention and the Hague Conventions for the Protection of Children. However, these instruments have not been sufficiently integrated into national legislation and practice.

Of particular concern are the following issues:

- access to the territory and asylum procedure
- family tracing and reunification
- guardianship and legal assistance
- prohibition of detention
- appropriate interim care
- consideration of child specific persecution
- decision making and procedures for return
- durable solutions
- training and accreditation of relevant professionals

Although the work with asylum seeking children is still relevant, it is clear that since 1997 a greater awareness has arisen regarding the number of separated children who enter Europe for reasons of economic migration or who are trafficked for exploitative purposes.

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<sup>1</sup> Separated Children in Europe Programme, Statement of Good Practice 3<sup>rd</sup> Edition, September 2004

In light of this it was agreed in the spring of 2002 to rebalance the Programme in order to respond to those separated children who do not claim asylum.

### SCEP's Vision Statement

The Programme envisages a world where the root causes of migration are addressed and conditions in countries of origin are such that children would not need to leave in order to avoid persecution, material deprivation or other forms of harm or abuse. However, until conflict and human rights violations around the world cease and we see an erosion of the fundamental inequalities in wealth and standards of living between the affluent and emerging nations, it is likely that significant numbers of separated children will continue to arrive to and migrate within Europe.

In light of this the Programme has developed the following vision to drive forward its work:

The rights of all separated children entering or travelling across Europe will be realised; they will be protected, their well-being and development will be promoted; they will have opportunities to develop their full potential and they will participate in a meaningful way in the development of policies and practices that impact upon their lives.

We believe that every separated child in Europe should:

- Feel safe, secure and loved.
- Have a responsible, trained and independent guardian to whom they may turn.
- Receive accurate advice, appropriate guidance and support throughout their time in the country of destination.
- Be seen as a child first and foremost rather than simply a migrant (or criminal) subject to administrative and immigration control.
- Be seen as a unique individual.
- Be listened to with respect and be involved in the design of procedures and services addressing their needs.
- Have their experiences acknowledged and validated.
- Have opportunities to achieve their full potential.
- Have their rights protected and realized.
- Have all their needs---social, emotional and developmental---addressed in relation to each other and not in isolation.

### The Programme's Goals & Objectives

The Programme's overall aim is to promote a greater recognition and realisation of the rights of separated children and to support the raising of standards in all policies, practices and services that impact upon them.

This aim has three inter-related themes running through it: the need for international protection of separated children; the need to ensure that the well-being and developmental

rights of separated children are fully addressed; the importance of the participation and empowerment of separated children.

In striving to achieve this overall aim SCEP has four key goals, each of which should be fulfilled in the short-term with the implementation of the programme's objectives as outlined below.

- To raise awareness among relevant decision makers and practitioners as well as civil society about the situation of separated children and the need to protect their rights.
- To influence existing and emerging legislation and policy by advocating for the rights of separated children at both the national and European levels.
- To develop the skills necessary for effective, rights based work with separated children and to increase the knowledge base of relevant practitioners through exchanges of good practice, training and capacity building.
- To increase the recognition of and consideration given to the views of children as well as the meaningful participation of separated children and to empower them to contribute actively in processes that affect them.

### Children's Protection

The Programme recognises that all children need to be protected from harm but in addition separated children need protection within an international context. Separated children should always be seen as children first and foremost who have particular protection needs relating to their immigration status or in some instances arising from their lack of a formal status. Article 20 of the CRC notes that children deprived of a family environment shall be entitled to special protection and, similarly, Article 22 states that refugee children shall receive appropriate protection.

Thus in order to ensure the immediate protection needs of separated children they must never be denied access to a territory they are seeking to enter or be excluded from entering the asylum determination procedures if appropriate. They should be identified as separated children and registered as such. Separated children should always be excluded from special fast track procedures and should never be detained for reasons relating to their immigration status or lack of a status. Decisions relating to asylum applications or other applications to remain should always be made by specialist and competent authorities who have an understanding of the principle of the best interests of the child and of the scope and context of the violation of children's rights and child specific persecution. In order to deliver effective protection for separated children they should have the support of an independent guardian. All officials who come into contact with separated children should have appropriate training and support to develop and maintain the skills necessary to undertake their work whilst enabling them to place the child at the heart of the agenda.

Separated children must also be protected from abuse, sexual and economic exploitation, and from traffickers who would harm them in both their country of arrival and their country of origin.

### Children's Well-being and Development

In asserting that separated children are children first and foremost, the Programme recognises that, alongside their needs relating to their international protection, separated children have a wide and varied range of everyday needs in common with any other child relating to their current and future well-being. Both Article 20 and 22 of the CRC refer to children who are separated from their families or who are unaccompanied and state that they should receive special or humanitarian assistance.

Separated children should receive a prompt assessment of their needs and based upon this assessment they should be found suitable care placements. Consideration must be given to the child's cultural, language, and religious needs as part of this process. They should receive preventative and reactive physical and mental health care, which can respond appropriately to issues that may arise from the particular experiences of separated children, for example the child may be traumatised or may have experienced severe physical deprivation. Mainstream school and college places should be available to all separated children with additional support available to them as appropriate. Training and employment opportunities should also be on offer to them. They should have opportunities for leisure and recreation. Separated children should be assisted to re-establish family and community links and where appropriate should receive the necessary support to help them integrate into their new community.

### Children's Participation

The Programme fully recognises the child's right to be consulted and listened to as a key pillar in both the provision of services to them and in informing decision making processes that impact upon them. The Programme is committed to the implementation of Article 12 of the CRC. Acknowledging the child's right to participation is more than just a value or a principle. The Programme believes that listening and responding to children will enable the development of procedures and services that are more relevant, workable and effective in practice.

The Programme strives to incorporate the views of separated children into its publications and lobbying materials and will use their views to inform the Programme's work. The Programme also aims to ensure that policy makers and service providers at both the national and European levels hear the voice of separated children and that outcomes of the decision making processes and service provision are influenced by their views. In order to achieve this aim, measures should be put in place to assist in the creation of an environment where separated children are enabled to talk openly about their wishes and feelings. Measures to aid the participation of children need to take into account their age and maturity.

As part of its 2003 programming, SCEP elaborated a *Guidance Pack for Managers on Participatory Consultation with Separated Children* for internal programme use. This *Guidance Pack* provides an introduction to the practical and ethical issues which apply when working directly with children. Furthermore, it presents a variety of methods for participatory consultation as well as tips for selecting the most appropriate method for your situation and for recruiting a suitable trainer or facilitator. In particular, the *Guidance Pack* highlights issues relevant to working with separated children and contains a list of references for further reading.

Subsequently, in 2004 with the support of the European Refugee Fund non-governmental organizations involved in the SCEP programme participated in a workshop on children's participation and many of them were supported by SCEP to carry out national activities in order to raise awareness and to improve the situation of separated children.

Seven of the activities had the empowerment of children as their main focus. These ranged from summer camps for separated children with leisure time, sporting activities and a wide range of workshops that sought improve the capacity building of groups of separated children through discussion groups and panels involving them. One activity was an ambitious residential event aimed at the empowerment of children and the production of a video for awareness raising, advocacy and training purposes, and the production of a DVD feature prominently in one participatory seminar. There were also a number of training seminars for professionals exploring how best to facilitate the empowerment of children. About 400 separated children were involved in the activities. This figure is boosted by the large numbers that attended the summer camps in Austria but Network partners should take credit for the overall figure.

Activities that separated children undertook as part of their involvement included:

- Setting the agenda for meetings
- Contributing to discussions
- Exchanging testimonies of their personal experiences
- Introducing campaigns
- Reading statements at meetings
- Participating in Workshops
- Preparing videos and DVD's
- Taking part in leisure and recreational activities
- Participating in practical skill based workshops, e.g. learning computing skills

What else has the Programme achieved?

### **Development of Statement of Good Practice**

The Statement of Good Practice provides a well structured and comprehensive set of principles along with examples of good practice. This is a valuable tool for promoting and developing a common standard for work across all countries. The revised Statement of Good Practice will be translated into all languages used by programme partners so as to ensure its widespread dissemination and use.

## **Development of Programme network**

The establishment of a pan European Programme network, comprising of at least one NGO member from each country and at least one UNHCR contact person responsible for each country, has been one of the most important achievements to date. The development of such a network is crucial if the issue is to be addressed effectively at the national and international level. The network can enable the exchange of information and experience on lobbying, provide a link with those giving direct support to individual children and assist in the gathering of information, which is published quarterly in the SCEP newsletter (to be added to the newsletter mailing list e-mail: lbr@redbarnet.dk).

## **Country Assessments**

National assessments on the policies and practices concerning separated children seeking asylum have been completed in the 28 of the countries covered by the programme.

Two reports have been completed summarising the contents of the national assessments. One report covers the 15 EU States and Norway and provides recommendations for action at EU and national levels. A second report summarises the situation in Central Europe and the Baltic States.

## **Advocacy**

Efforts are being made to ensure that the rights and needs of separated children are included in the EU asylum harmonisation instruments, which are currently being developed. Programme seminars have taken place involving members of the network in order to formulate national and EU level plans, and to foster contacts and communication.

## **Training**

Training seminars introducing the Programme and the Statement of Good Practice as well as training on how to conduct country assessments have taken place.

A training guide based on the Statement of Good Practice has been produced. Several Training of Trainers workshops on the Training Guide have been held across Europe, including representatives from national governments, UNHCR and non-governmental organisations. Training has taken place in many countries to develop the competence of officials and staff in a wide range of agencies.

## **Sharing of information and experience**

Several Programme conferences and seminars have been held in different European cities in the period 1999-2004 with participation of government officials, UNHCR staff and Network members from the 28 countries covered by the Programme.

For more information, please visit the Programme web site at:

<http://www.separated-children-europe-programme.org>

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