

FRA press release
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FRA: Separated, Asylum-seeking Children
in European Union Member States
Summary Report

“I do not know [a legal guardian]. Do I have one?” (Boy, aged 14)

“Age assessment was a disappointment for me. [...] I do not have any proof, because there is no government in my country. How could I have any evidence? The worst thing is that they think I am a liar.” (Boy, aged 17)

“The policeman said that his child is 15 and understands everything. Then he said: ‘you are 15 and do not understand anything at all. How is that possible?’ (Girl, aged 15)

The FRA publishes today a summary report on ‘Separated, asylum-seeking children in European Union Member States’ that reveals many shortcomings and deficiencies in the care provided to asylum-seeking children in the European Union. The full report is expected to be published in June.

More than 300 separated, asylum-seeking children and the adults responsible for their care were interviewed face to face in 12 EU Member States – Austria, Belgium, Cyprus, France, Hungary, Italy, Malta, the Netherlands, Poland, Spain, Sweden and the United Kingdom. The interviews revealed that separated, asylum-seeking children, although under State care, often live in accommodation that is unsuitable for them, including in detention, even if they have not committed a crime, or under strict curfew rules.

The minors frequently lack quality medical care and access to appropriate education and training; their religious needs are not always respected or fulfilled; they can be victims of discrimination with little opportunity for redress, or even mistreated.

“I went to the doctor because I broke my finger... He said he could not help me because I was irregular, even though my finger was swollen. Now, if I’m sick, I don’t say anything to anybody.”(Boy, age 17)

The children are often insufficiently informed about legal procedures and opportunities available to them, which are crucial for their future. Their views are often not taken into consideration, their life depending on decisions, which authorities can take a very long time to make. These decisions are based on

processes that often make the children feel insecure and often unprotected or ill-advised.

FRA Director Morten Kjaerum: *“Every year thousands of separated, asylum-seeking children come to the EU. The effective protection of these children at EU level should not be delayed. It is essential to enhance co-operation between Member States, encourage exchange of information and good practices, and reinforce existing protection instruments as soon as possible. In this context, an EU action plan on unaccompanied minors, providing effective measures for the protection of separated, asylum-seeking children could be an important instrument.”*

Based on its findings, the report includes a number of recommendations as to how the needs of these children can be met, to facilitate the implementation and fulfilment of their rights (as enshrined in the Convention on the Rights of the Child and the EU Charter of Fundamental Rights)

Key recommendations:

- Access to adequate healthcare must be guaranteed to all children without discrimination and irrespective of their status.
- The provision of professional interpretation and intercultural mediation support to separated, asylum-seeking children in accessing healthcare should be mandatory.
- Member States should ensure that access to education is guaranteed to separated, asylum-seeking children under similar conditions as for country nationals.
- A legal guardian should be provided to every separated, asylum-seeking child as soon as possible.
- Member States should ensure that administrative and disciplinary rules applicable to separated, asylum-seeking children are aimed at the children’s protection. These rules should establish no undue, detrimental or discriminatory restrictions affecting the children’s ability to interact with others.
- Separated, asylum-seeking children should be actively encouraged to and supported in reporting situations of discrimination and mistreatment to the authorities, in particular to child ombudsmen institutions, where they exist.
- Financial or other forms of material support should be adequate, in order to ensure the separated, asylum-seeking children’s ability to participate in social life, interacting with their peers from the host society.
- Recognising that age assessment cannot be precise, Member States should, in cases of doubt, treat the person as a child, granting the right to appeal age assessment decisions.

See the FRA Summary Report “Separated, Asylum-seeking Children in European Union Member States” available at www.fra.europa.eu

Notes to editors:

The European Union Agency for Fundamental Rights (FRA) has three key functions:

- to collect information and data on fundamental rights
- to provide evidence-based advice to the EU and its Member States
- to promote dialogue with civil society in order to raise public awareness of fundamental rights.

Previous FRA (EUMC) reports on the rights of the child are available at: www.fra.europa.eu

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