

## PRESS RELEASE

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### Asylum-seeking children in Nordic countries face significant gaps in protection and access to services – UNICEF

**FLORENCE, 20 March 2018** – Despite a world-leading record of commitment to child rights, Nordic countries are failing to provide full protection and services for asylum-seeking children. *Protected on Paper? An analysis of Nordic country responses to asylum-seeking children*, produced by the UNICEF Office of Research – Innocenti, reports on legal and procedural standards for migrant and refugee children, and the extent to which they are being applied on the ground in Denmark, Finland, Iceland, Norway and Sweden.

*Protected on Paper?* documents a clear tendency in all five Nordic countries to give precedence to migration law over international obligations under the Convention on the Rights of the Child. The report finds that, despite proper legal and procedural measures being largely in place, implementation lapses expose many children to significant risks in the asylum-seeking process, as well as critical gaps in protection, healthcare and education services.

“The Nordic countries covered in this report all have well-deserved reputations for protecting children’s rights. Nonetheless, our research reveals significant challenges in the care and treatment of asylum-seeking children across the five countries,” said Sarah Cook Director of the UNICEF Office of Research - Innocenti. “This is a powerful reminder that the global community must take seriously the commitment to protect all children’s rights, without regard to their migration or asylum status.”

*Protected on Paper?*, commissioned by the five Nordic National Committees for UNICEF, is based on in-depth legal analysis, assessment of the practical application of procedural standards—both gaps and good practices—and interviews with leading migration and child rights experts in the five Nordic countries. It also provides detailed recommendations on how procedural safeguards should be strengthened to comply with international commitments.

In many instances immigration officers, as opposed to child protection specialists, are tasked to make critical decisions and coordinate urgent care for children. As a result, proper assessment of the best interests of the child—a key principle of the Convention on the Rights of the Child—is not uniformly adhered to for all asylum-seeking children. Another commonly identified problem is the tendency for national standards and principles to be poorly coordinated, communicated and applied by local service providers.

Guardianship is a key safeguarding mechanism for unaccompanied and separated children; however, in some cases there is an inadequate firewall between the administration of guardians and immigration services. Child protection agencies should lead efforts to establish clear procedures for recruitment, training, supervision and support of guardians.

“These children who are seeking asylum in the Nordic countries cannot be allowed to exist in a kind of limbo state,” said Bina D’Costa, lead migration research specialist with the UNICEF Office of Research. “Lack of coordination, poor communication or lack of transparency about where and how children can access essential services should not prevent them from receiving the urgent, time-sensitive care and support that all children deserve.”

While the Nordic countries all have well-established mechanisms for enabling children to have their opinions taken into consideration on matters that affect them, asylum-seeking children are given only sporadic and inconsistent opportunities to have their voices heard. This has profound child rights

implications in age assessment, best interests determination, guardianship and throughout the asylum process.

Asylum-seeking children can generally access basic medical treatment, but the full extent of health care services available to families varies widely between states and municipalities. As a result, entitlements are not always clear to either patient or practitioner. Under such circumstances, the growing phenomenon of mental health problems among children subjected to long periods of uncertainty about their legal status, is a primary concern.

Most Nordic states' educational systems have coped with the arrival of refugee children since 2015, but legal and administrative barriers often mean that children wait too long before entering mainstream school systems and early learning programmes.

There have been reports of asylum-seeking children being detained, for brief periods, even though national law prohibits detention of anyone under 18, in line with CRC. In some cases, asylum-seeking children have been forcibly returned with their families, while unaccompanied or separated children deported on reaching eighteen years of age.

*Protected on Paper?* provides detailed general and country specific policy and procedure recommendations aimed at bringing the countries covered in the report into full compliance with the Convention on the Rights of the Child, as called for in UNICEF's global [Agenda for Action](#), and the 2017 [Roadmap](#) for unaccompanied and separated children in Europe developed jointly by UNHCR, UNICEF and IRC.

#### Selected general recommendations for all Nordic countries

1. Restate the primacy of the Convention on the Rights of the Child, over migration/asylum law, and make an explicit commitment to apply the same rules and standards to asylum-seeking children that apply to all other children, for the entire period they remain in country.
2. Ensure that law, policy and practice stipulate the referral of all asylum-seeking children to child protection authorities immediately upon arrival, and that such a referral becomes an integral element of the registration process.
3. Remove all barriers to asylum-seeking children's rapid enrolment and full inclusion in mainstream schools and early learning programmes.
4. Ensure that access to equal health care, including mental health care, for all asylum-seeking children serves to integrate asylum seekers into mainstream national health systems, in countries where relevant.
5. For all child protection facilities and services, eliminate any residence requirement for users of services, to ensure that they are accessible to asylum-seeking women and children when needed.
6. Revise guardianship services and establish a code of good practice to ensure that both guardianship and legal representation are available to every asylum-seeking child immediately upon arrival.

#### **UNICEF's Agenda for Action**

This report provides important regional evidence in support UNICEF's global call to protect the nearly 50 million children on the move. The [Agenda](#) is based on six priority policy asks which apply to every country:

1. *Press for action on the causes that uproot children from their homes:* Improve efforts to protect children from conflict and to address the root causes of violence and poverty;

2. *Help uprooted children to stay in school and stay healthy:* Increase collective efforts to provide uprooted children with access to an education and health services, shelter, nutrition, and water and sanitation.
3. *Keep families together and give children legal status:* Strengthen policies to prevent children from being separated from their families in transit, and faster procedures to reunite children with their families.
4. *End detention of refugee and migrant children and create practical alternatives:* Unaccompanied and separated children should be placed in foster care or other family/community-based living arrangements.
5. *Combat xenophobia and discrimination:* Local leaders and organizations must help combat xenophobia and build greater understanding between uprooted children, families and host communities.
6. *Protect uprooted children from exploitation and violence:* Increase safe and legal channels for children to migrate and to seek refuge by cracking down on trafficking and strengthening child protection systems.

**Download the full report:** [www.unicef-irc.org](http://www.unicef-irc.org)

**Download press-kit and multi-media materials:** <http://uni.cf/2lneDsk>

**About the UNICEF Office of Research – Innocenti:** The Office of Research – Innocenti is UNICEF’s dedicated research centre. It undertakes research on emerging or current issues in order to inform the strategic directions, policies and programmes of UNICEF and its partners, shape global debates on child rights and development, and inform the global research and policy agenda for all children, and particularly for the most vulnerable. Please visit: [www.unicef-irc.org](http://www.unicef-irc.org)

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