

OSCE PRESENTATION
Dr. Nihal EMİNOĞLU (PANEL 3)

Madame Moderator, thank you for giving me a floor.

Excellencies, Ladies and Gentlemen...

In recent years, as we have sadly experienced after war in Syria and now in Ukraine, thousands of children have undertaken a difficult and risky journey to come to Europe. Some travelled with their parents, some with caregivers or ALONE.

Throughout their journey, these children may fall into different categories such as unaccompanied, separated, missing, internally displaced, asylum-seeking, trafficked or smuggling

More clearly, children are particularly vulnerable group of migrants and asylum seekers and are therefore in need of special protection against multiple dangers they face along their journey.

All refugee and migrant children are vulnerable but unaccompanied children are particularly vulnerable group as they are outside their parental care and guardianship.

In this respect today in my speech I will focus on the situation of unaccompanied migrant children, and their challenges. And I would like to also share experiences of my country, Turkey . A country hosting the largest number of refugees in the world since 2014 and a country experiencing the difficulties of being both transit and destination country for many migrants and refugees.

As defined in the article 1 of the UN Convention on the Rights of the Child, Unaccompanied migrant minor is a child who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

The number of Unaccompanied minors seeking asylum has increased steadily since 2010. But on the other hand, the number of unaccompanied migrant children who arrive in Europe and do not seek asylum is unknown.

In this context, the following question should be raised to discuss:

How the unaccompanied children could be identified? AND What are the minimum child protection standards for identification of those children?

The main challenge in identifying an unaccompanied children is the age assessment, because, many of the children in migration don't have identity documents.

When they are incorrectly identified as adults, children are trapped in a status which creates a serious risk of rightlessness increasing their vulnerability and affecting their ability to access education, family reunification, welfare services.

In other words - as also mentioned in the Guideline of the CoE on AGE ASSESSMENT FOR CHILDREN IN MIGRATION - an effective, reliable and human-rights based mechanism for estimating the age of a person is critical step to secure that children can benefit of the specific measures designed to protect their rights.

The grounds, timing and methods for conducting age assessments differ across countries . The usual two grounds are; when there are doubts a person claims to be a child or claims to be an adult.

There are occasions where children, either voluntary or under the threat of smo declare themselves to be adult. For instance, a child victim of trafficking in human beings may be instructed by the traffickers to declare that they are adults.

On the other hand, in most of occasions (with experienced in Turkish context) there are adults, declare themselves to be child after instructed by migrant smuggler.

Ladies and Gentelmen, it is obvious that, the crime of migrant smuggling and trafficking in person are intertwined modalities. As also mentioned in many OSCE

documents, migration and refugee crisis creates a market for the trafficking of migrants. Besides, according to Europol statistics more than 90 percent out of migrants use smuggling services, which means that they are extremely vulnerable to trafficking in human beings.

In this regard, let me explain you what could be reason for an adult to declare him/herself as a child.

It is obvious that age determination has also an impact on the process of asylum claim and asylum decision. It may be the difference between being offered safety or being returned to their country of origin.

And according to the international principals, as mentioned by UN Committee on the Rights of the Child “ Anyone claiming to be a child should be treated as such” And Children should never be detained while age assessment results are pending. In this regard, these individuals are sent to child welfare services in Turkey, however it is not very difficult for them to escape from these centers. Because these are not detention centers, children could go to school, they have an interaction with normal/social life..

For irregular migrants who want to cross Turkey to reach other European countries, being sent back to their country is something that they would not prefer. And if they are detected somehow, it may be an alternative way be settled to child welfare services and escape from there in order not to be send back.

It should be also noted that, in the last 5 years more than 1 million irregular migrants detected in Turkey. Around half million of them coming from Afghanistan, and around 200 thousand of them coming from Pakistan. It is also estimated that there are hundreds of thousands unregistered migrants still lives in Turkey most of them waiting for crossing the border.

So making false statements over age and the examination of the age assessment of those detected irregular migrants is a huge issue for the country. To avoid this situation the relevant institutions, such as provincial directorates of ministry of

family and presidency of migration management, also law enforcements try to speed up the medical examination process and closely cooperating in this period.

Another point is that, from the time there is a doubt about a person's age and until the end of the age assessment process, States should ensure the appointment of a guardian. This guardian or legal representative need to be able to discuss the age assessment process with child and provide necessary information about the process and their rights in a language that the child can understand. According the Turkish regulation on unaccompanied minors, the legal authorities (police, gendarmerie) must accompany to the child during the process of age assessment. It should be also underlined that those officials experience in working with children need to be well trained and the interpretation need to provide throughout the process if needed. These are the areas that should still needed a further developments.

Another challenging issue apart from age assessment and guardianship is safe family-based care and family reunification of unaccompanied minors. The most common form of family-based care for those minors is a kinship or network family placement. All placements in Turkey are arranged by relevant authority where they provide reasons for their decision and explain how the best interests of the child were taken into consideration in this process. On the other hand it is not always possible and easy to monitor the child and the family in scope of the formal child protection system. As suggested also in Fundamental Rights Agencie's Reports, regional and project-based approaches should also be integrated with child protection systems to ensure the safeguards for children and the best interest of the child. This principal is crucial for the protection of child against abuse and harm that may also come from her/his family members.

When it comes to reuniting refugee and migrant families, State's should ensure active research to find the parents. To do so, relevant authorities in Turkey, in coordination with NGOs cooperating closely with UNHCR in order the facilitate the family reunification in accordance with human rights. In addition, the Red Crescent in Turkey has established national mechanisms in coordination with International Committee of the Red Cross and relevant stakeholders to trace missing people and reunite separated families by regulating and facilitating collective and coordinated work.

Last but not least it is also crucial to integrate those unaccompanied minors into the host society for the best interest of child. To do so, Turkish legal system provides following points, in line with recommendations of the international standards of human and child rights,

- 1) As mentioned in Guiding documents of UNHCR, Unaccompanied children should be registered through interviews. Effective documentation of the child will help to ensure that subsequent actions are in the 'best interests' of the child.

Interview with unaccompanied child is also vital to identify the potential risks and forms of trafficking that child faced during the journey, also risk factors of trafficking and profile of traffickers.

If the human trafficking focused interviews are conducted, and elements of trafficking is detected then it could be possible to provide victim support program to those individuals.

- 2) Unaccompanied children who seek asylum are considered a particularly vulnerable group and such children should be accommodated in specialized centers with specially trained staff.
- 3) For unaccompanied minors turning 18, States should ensure accommodation and technical/financial assistance for the new stage of their lives outside the child welfare services.
- 4) As education is a "key player" and access to education is a fundamental right, not a privilege, States should take the necessary measures to integrate those children to the national education system.

It should be also underlined that Access to education and regular school attendance is also crucial to prevent child labor and child trafficking based on labor exploitation.

- 5) It is also necessary to shortly go back the importance of the age assessment while talking about child labor.

There is no single age assessment method whereby an exact conclusion can be reached on age. In addition, all methods (including medical examinations) have a wide margin of error. What international norms and standards on this issue request, that all margin of error must be applied to the benefit of the individual.

Ladies and Gentlemen's,

**Today's children, tomorrow's future.
Save the children, save the future..**

Thank you for your attention and thank you for inviting me.

