

Round Table: Refugee and Migrant Children and the Enjoyment of Their Rights During Integration in Local Environments

Venue: Hotel Slon (Ljubljana), 3 October 2016

Organisers: Ministry of Foreign Affairs of the Republic of Slovenia and Partners from Civil Society

Panelists:

MS. PILAR GONZALES RAMS (*Unicef – Child Rights Specialist*),

MS. TARA BEATTIE (*Council of Europe – Legal Advisor*),

MR. MIHA HORVAT (*Deputy Ombudsman*),

MS. MARINA UZELAC (*Slovene Philanthropy*)

MS. KATARINA ŠTRUKELJ (*Head of Accommodation, Care and Integration Division in Ministry of the Interior*).

Rapporteur: FARIS KOČAN, *student, University of Ljubljana*

The main reason for the organization of this conference was to raise public awareness about the issue of refugee and migrant children and their integration in local environment. In the last two years as the world has been facing multiple mass migrant and refugee flows, the Republic of Slovenia (Slovenia) was no exception. However, the latter remains different for it does not represent the final destination of migrants from Mashreq region but rather a transit country.¹

Due to the fact that the relocation of migrants at the EU level is already happening, the biggest challenge for Slovenia lies in the effective integration of migrants and refugees into the

1 Mashreq is the region of the Arab world to the east of Egypt. This comprises Lebanon, the Palestinian territories, Jordan, Syria and Iraq (Jones and Emerson 2005, i).

local environment. In the light of current situation in several countries of the EU (xenophobia, hate speech, extremism) this debate serves as a reminder that politicians and citizens often forget about the most vulnerable and exposed group – children. The round table revealed some practices and issues that migrants face when they start integrating in local communities and become a part of society. In this process, the government institutions and civil society take the role of ensuring that human rights of refugee and migrant children are respected, and moreover adequately protected by existent legal mechanisms. The panelists who were discussing the given issue, were Pilar Gonzales Rams, Miha Horvat, Marina Uzelac, Katarina Štrukelj and Tara Beattie. The event moderator was Božena Forštnarič Boroje.

Since the children's rights and child welfare, alongside development cooperation and humanitarian aid, are one of the Slovenia's foreign policy priorities, the topics concerning refugee and migrant children are not only important to the expert public, but bear high relevance for the country as a whole. For example, through the work of its national association of the International Committee of Red Cross Slovenia provides the necessary help for children from crisis-hit areas (Syria, Yemen, Iraq). Also, in 2005, Slovenia launched the project named 'Our Rights' that enabled approximately 185.000 children from the relevant areas (Middle East, Western Balkans) to receive comprehensive education about human rights. Learning materials developed within this project were later translated in 22 languages. Children's rights are also a priority of Slovenia when it comes to Common Foreign and Security Policy of the EU; while Slovenia held the Presidency of the Council of the EU in the first half of 2008 the Council of the EU adopted Guidelines for the Promotion and Protection of the Rights of the Child.²

The first speaker at the round table was Pilar Gonzales Rams, child rights specialist, currently working for UNICEF interim mission in Slovenia. She opened the round table with

2 More about the Guidelines is available at: <http://www.consilium.europa.eu/uedocs/cmsupload/16031.07.pdf>.



addressing the situation of 1.3 million people becoming refugees in the first three months of 2015, whereas almost half of them were children who were in need of appropriate accommodation, food, clothes and guidance. Later, she focused on the mission of UNICEF and stopped at the so called 'triangle', which serves as a core instrument for aforementioned organization. This triangle, based on best interests of children, principle of non-discrimination and participation, was worth bearing in mind through the whole discussion because it served as an excellent reference point. Next panelist was Tara Beattie, legal adviser in the field of implementation of the rights of refugee and migrant children. She started her speech with the introduction of the work of a pan-European organization, namely the Council of Europe (CoE). She addressed education as one of the key factors in the process of integration and acclimatization of refugees in local environments and exposed some guidelines of the CoE in this field. Next in line for discussion was Katarina Štrukelj from the Ministry of the Interior. She started with the asylum seekers and said that 262 children had applied for asylum in Slovenia and that some of them are less than 15 years old. They are currently installed in residence hall for students in towns of Nova Gorica and Postojna. In the end, she informed the audience about specific EU introduced Dublin procedures (regulation), in which Slovenia is actively included. Later she gave word to Katarina Uzelac, project manager from Slovenian philanthropy and the only representative from civil society. In the introduction, the Moderator exposed positive movements in the field of diversity management, but at the same time expressed concern over the process of age determination and legal guardianship of those children. Finally, she focused on an issue that needs to be addressed as soon as possible, and that is the phenomena of disappearing of refugee children without any trace. And last but not least, Miha Horvat, deputy Ombudsman built his speech around everyday practice. He highlighted the importance of children's wants and needs and continued that he talks with them about sports, food, accommodation and their activities throughout the day. Later, he warned the audience that the right to complaint is not exercised comprehensively,



because refugees are not familiar with the legal framework of Slovenia, let alone with the institute of Ombudsman and their work. Finally, he stressed the importance of openness in local communities and cultural facilitators, who help the refugee and migrant children to overcome elementary difficulties regarding language, behavior, etc. Last twenty minutes were reserved for the cross-panelist discussion, where they concluded that the most important thing for children is that cultural facilitators are available to them in formal proceedings.

| 90 |

The conclusion of the round table belonged to the initiative 'My piece for peace', with slogan: "Help us change the picture of the world". Main drivers of this initiative were Slovenian-based expert institutions: Institute for Slovenian emigrants and migrations (ZRC SAZU), Institute STEP, Institute for Psychological Counseling and Development Educational Projects (ISA), two elementary schools and Association Ključ (Slovenian Center for fight against human trafficking). The main purpose of this initiative is that children from all around the world get engaged by thinking about the initiative's name and drawing their 'piece' for peace. The closing words of this initiative's representative were: "A child is a child, and we should listen to them".

OPEN QUESTIONS FOR FURTHER RESEARCH

Since the EU has not yet agreed on the common asylum policy, and the latter rests on shared powers, member states can easily act merely with respect to their domestic policy (national interest) orientations, disregarding EU values or guidelines. However, the protection of children's rights is something that we should not bargain about, and for that reason it should be necessary that the academia addresses this problem through the prism of International Law. To be more precise, one of the core problems that countries of Europe currently face is that refugee and migrant children are not able to enjoy all the rights entitled to them if they do not start with the official asylum procedure. And for that reason the academics in the field of International Relations and European studies should discuss about the possibility of children's rights becoming a part of peremptory norms



(*jus cogens*). Even though there is no universal agreement regarding precisely which norms make up *jus cogens* nor how a norm reaches that status, it is generally accepted that *jus cogens* status encompasses prohibition of genocide, slaving in general, torture, maritime piracy, etc. The debate whether protection of children's rights is a norm that does not sustain any derogation should be an indispensable part of the agendas of all the relevant experts, faculty teachers and also the politicians and jurists.

REFERENCES

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