



WHAT RIGHTS AND REALITIES AT 18?

Regional seminar to develop inter-sectorial cooperation in assisting refugees and asylum-seekers in transition to adulthood.

2-3 November 2015
European Youth Centre Budapest, Hungary

Report

The present report was drafted by a consultant under the joint supervision and funding of the UNHCR Representation to Central Europe and the Youth Department of the Council of Europe. The report builds on the information provided by participants of the Regional Seminar and various other sources, including UNHCR and Council of Europe documents. It does, however, not necessarily represent the official views of these organisations.

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REPORT

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Abbreviations

BIA	<i>Best Interest Assessment</i>
BID	<i>Best Interest Determination</i>
NGO	<i>Non-Governmental Organisation</i>
PACE	Parliamentary Assembly of the Council of Europe
UNHCR	<i>United Nations High Commissioner for Refugees</i>
UNHCR RRCE	<i>UNHCR Regional Representation to Central Europe</i>
USASRC	Unaccompanied and separated Asylum seeking or Refugee Children

EXECUTIVE SUMMARY

The regional seminar “What Rights and Responsibilities at age eighteen?” was held 2-3 November 2015 in Hungary at the European Youth Centre Budapest of the Council of Europe.

It brought together twenty-five participants from Austria, Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia including young refugees, representatives of state agencies, national civil society organisations and international networks, locally based service organisations for young asylum-seekers and refugees and the Council of Europe and the UNHCR. The regional seminar focused only on the situation in the above-mentioned eight countries in Central Europe.

The regional seminar aimed to develop inter-sectorial cooperation between State Agencies, NGO's, young refugees and asylum-seekers from eight Central European countries to support Unaccompanied and separated Asylum seeking or Refugee Children (USASRC) in transition to adulthood.

Within the two working days participants had chance to discuss and come up with challenges USASRC are facing in their countries. The major challenges were identified in eight thematic areas: access to asylum, education, guardianship, employment, health, social integration, family reunification, housing and age assessment. Some of the challenges were common for all eight countries, some others not.

After identifying the challenges, participants had intensive working groups to come up with recommendations for all actors working with USASRC; NGOs, refugee communities, State agencies and international institutions. Some of the recommendations were already existing best practices in Central Europe; others came from the expertise of participants in the field.

The final recommendations are the main outcome of this consultative meeting, and they represent the result of the participants' work during the two days they spent in Budapest.

Overall participants expressed the need for:

- Transparent and clear policies related to age assessment of USASRC,
- Inclusive policies related to employment and education for USASRC,
- More involvement of NGOs in asylum procedures and ensure access to the USASRC in reception or care centres.
- More child friendly information on the asylum procedure
- Adoption of a transition phase for USASRC turning eighteen that will include extension of services in areas of housing, education and health and allow for the completion of family reunification procedure,
- Funding for education and vocational training for NGOs, refugee communities, State agencies,
- Public awareness raising campaigns to combat xenophobia and racism, and to facilitate the social integration of USASRC.

In addition to this, a high need was expressed for a cross-sectorial cooperation. Amongst all, the cross-sectorial cooperation is the most complex type of cooperation as it has many factors and dimensions influencing it, but without it it's impossible to address the challenges experienced by USASRC effectively.

INTRODUCTION

The report of the regional seminar “*What Rights and Responsibilities at 18?*” that took place on 2 - 3 November 2015 in Budapest at European Youth Centre of Council of Europe, was drawn up by the rapporteur after the closure of the meeting. It represents the main topics discussed and reflected by the participants during the meeting.

The final recommendations are the main outcome of the regional seminar, and they represent the result of the participants’ work during the two days they spent in Budapest. Occasionally examples are provided from specific countries to illustrate the points raised by participants.

The regional seminar aimed to develop inter-sectorial cooperation between State agencies, NGO’s, young refugees and asylum-seekers from eight Central Europe countries (Austria, Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia) to support unaccompanied and separated refugee and asylum-seeking children in transition to adulthood.

The regional seminar had therefore the following objectives:

- To review national practices in Central Europe as regards unaccompanied and separated refugee and asylum-seeking children in transition to adulthood and identify key problems.
- To compare findings from other participating Central European countries with those previously identified in four countries (Sweden, Austria, Hungary, France) covered by the Council of Europe-UNHCR¹ joint report.
- To identify areas of cooperation between stakeholders working with young refugees and asylum-seekers for improving the situation of the persons concerned.
- To review the Council of Europe Parliamentary Assembly recommendation 1996 (2014) and identify starting points for implementation in practices and policies at national level.
- Compile good practices/ concrete measures and consider the relevance of the recommendations set out in the joint report of the Youth Department and UNHCR in Central Europe.
- To develop a plan of action that would include implementation of good practices and necessary legal changes as regards key problems addressed in the joint report and other possible issues rose in the context of the seminar. The plan of action will list concrete measures that should be implemented to improve *inter alia* access to accommodation, to employment, etc.

This regional seminar was jointly organised by the Youth Department of the Council of Europe, in close collaboration with the UNHCR Regional Representation to Central Europe.

¹ For the joint report see:
http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2014_UNHCR_and_Council_of_Europe_Report_Transition_Adulthood.pdf

Background

Policies and practices in Council of Europe member states governing the transition to adulthood for unaccompanied and separated asylum-seeking and refugee children have been identified as a major concern by the Council of Europe Parliamentary Assembly, its Youth Department and the UNHCR.

The Parliamentary Assembly Committee on Migration, Refugees and Displaced Persons presented the report *'Migrant Children: What Rights at 18?'*² in March 2014. In May that year the Parliamentary Assembly endorsed the report and adopted during their plenary session resolution 1996 (2014)³ under the same title.

Work on the report and resolution of the Parliamentary Assembly has been supported by the efforts of the Youth Sector of the Council of Europe and the UNHCR for the rights of Young Refugees and Asylum-seekers in Europe since 2006. The first joint seminar 'Being a Young Refugee in Europe Today'⁴ run at the European Youth Centre Strasbourg from 5 to 12 December 2006 contributed to the establishment of the European Youth Network of Young refugees and Asylum-seekers 'Voices of Young Refugees Europe' (VYRE). Various seminars and training courses followed.

From 2 to 4 March 2010, the two organisations held a seminar on working with young refugees and the ways forward, which aimed at developing a common approach for promoting young refugees within the agenda of the Council of Europe. That meeting underlined, amongst other things, the need to "recognise young refugees, asylum-seekers and other youths in need of humanitarian protection aged 18-30 years old as a group with specific needs within European society"⁵.

In 2011⁶ and 2012 the Youth Department organised two consultative meetings on the 'challenges faced by young refugees and asylum-seekers in accessing their social rights and their integration, while in transition to adulthood'. Shared experiences in those meetings made it very clear that policies addressing the needs of refugees and asylum-seeking children do not correlate with other refugees and asylum-seekers policies in a given country. The challenges of unaccompanied and separated refugee and asylum-seeking children are generally acknowledged and national policies are in line with international treaties such as the UN Convention on the Rights of the Child. Young refugees and asylum-seekers between 18 and 25 are however not acknowledged as a group with specific needs and the transition from one legal regime to the other can be particularly harsh.

The Council of Europe Youth Sector and the UNHCR Representation to the European Institutions in Strasbourg conducted in 2014 a field study on European State practice regarding transition to adulthood of unaccompanied and separated asylum-seeking and

² For the report see: <http://website-pace.net/documents/19863/168397/20140313-MigrantRights18-EN.pdf/ea190a6e-1794-4d30-b153-8c18dc95669f>.

³ For the resolution 1996 (2014) see:
<http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=20926&Language=EN>

⁴ For the publication covering the seminar see:
https://www.coe.int/t/dg4/youth/Source/Resources/Publications/2008_Raising_young_refugees_voices.pdf

⁵ For the seminar report see:
http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2010_Consultative_mtg_Young_Refugees.pdf

⁶ For the 2011 seminar report see:
https://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_Report_CM_Young_Refugees_Asylum_Seekers_en.pdf

refugee children⁷. The study provides four clear examples of the existing challenges State Agencies, NGO's and young refugees and asylum-seekers are confronted with. The identified challenges lead to major anxieties among young refugees and asylum-seekers and to the deterioration of their living situation, and their human rights, including their social and economic rights. The lack of access to decent housing, education and/or employment prevents them from acquiring (financial) independence and exposes them to the risks of falling victim to criminal organisations involved in drug trafficking, prostitution and trafficking in human beings. The problem is European wide but in each country different practices—some successful, some detrimental to the well-being of young refugees and asylum-seekers—have evolved.

The Council of Europe Parliamentary Assembly report 'What Rights at 18?' and the field studies of the Youth Department and UNHCR have identified areas of particular concern that should be addressed.

- Clear and transparent information about the consequences of reaching the age of adulthood should be provided, in particular regarding the rights and responsibilities they will have after that age.
- Special guarantees in the asylum-procedures for unaccompanied and separated children should be extended after reaching the age of adulthood to ensure the procedure of submission and examination of the claim is not undermined.
- Age assessment should be conducted following clear procedure. The young asylum-seekers need to understand the procedure and consent to it. The results of the assessment should be adopted by all State agencies the child is in contact with.
- Administrative procedures should be harmonised between agencies for young asylum-seekers and refugees in transition to adulthood. The harmonisation should ensure that unaccompanied and separated refugee and asylum-seeking children in transition to adulthood can:
 - Complete their educational degree after turning eighteen.
 - Have access to appropriate accommodation.
 - Have access to appropriate support and counselling to access decent employment including traineeships.
 - Have access to health care.
- Family reunification procedures that started before reaching adulthood should be completed.

⁷ For the field study report see:
http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2014_UNHCR_and_Council_of_Europe_Report_Transition_Adulthood.pdf (Please check the footnoting format as this is a repeat of Footnote No. 1; we should simply refer to Supra note no. 1 for example.)

Profile of Participants

Twenty-five participants took part in the regional seminar including young refugees; migrants support centres, international experts, representatives of state agencies and representatives of UNHCR and Council of Europe bodies.

- Local organisations were represented by “ReachOut” from Bulgaria, National Council for Refugees (CNRR) and Jesuit Refugee Service from Romania, Children`s Home for Unaccompanied Minors from Slovakia, Migrants Help Association (MigHelp) and Menedék Association for Migrants from Hungary, Foundation for Somalia from Poland, Slovene Philanthropy from Slovenia, and Asylkoordination Österreich from Austria.
- International organisations working in the field attending the seminar included the Bulgarian Red Cross (Refugee-Migrant Service), and international NGO Save the Children Romania.
- Two state agencies were present the State Agency for Refugees with the Council of Ministers (SAR) and the state agency for Child Protection both from Bulgaria.
- UNHCR was represented by the UNHCR Regional Representation to Central Europe (RRCE including Hungary unit) and the national offices of Poland and the Czech Republic.
- The Council of Europe was represented by the Youth Department and its Advisory Council on Youth and the deputy to the director of the European Commissioner, who provided an input.

Methodology

The regional seminar adopted non-formal learning approach and methodologies; including interactive expert inputs, working groups and plenary debriefings. The participants were encouraged to share, reflect and analyse the existing realities and practices related of the transition stage to adulthood for USASRC in their countries.

Programme Rationale

The programme aimed to bring all participants up to date on recent developments regarding the topic of the regional seminar through inputs from Menno Ettema, Educational Adviser, Youth Department of the Council of Europe and Takayuki Ueno, Regional Protection Officer UNHCR RRCE.

Following those inputs participants in working groups mapped the existing realities on all major events, challenges and opportunities that the USASRC encounter, in their countries.

Once participants had better understandings of the challenges in Central European countries they were invited to look more specifically in key areas of concern and identify existing practices that aim to alleviate them in the settings of two additional working groups.

An Input from Dimitra Soulele, from the European Federation of National Organisations working with the Homeless (FEANTSA), helped to review the practices of inter-sectorial cooperation addressing challenges of vulnerable children and youth. The input from Nikolaos Sitaropoulos, Head of Division I - Deputy to the Director, Office of the Council of Europe Commissioner for Human Rights, helped to recall the human rights based approach when

working with USASRC in transition to adulthood particularly in view of the current influx of migrants and refugees to Europe.

The closing presentations of the various working groups' results helped identify existing practices of inter-sectorial cooperation, or the lack therefore and possible reasons for it.

The seminar concluded with an evaluation and closing words by Sergio Belfor, Member of the Advisory Council on Youth of the Youth Department of the Council of Europe. He invited all those present to see the seminar as a beginning of a process to seek solutions together in the Central European context for the Young Refugees concerned.

For a detailed programme of the regional seminar see the annex.

KEY INPUT 1

Menno Ettema, Educational Adviser, Youth Department of the Council of Europe

Soon after the youth sector of the Council of Europe initiated its work with young refugees it became evident that young refugees, like all young people, should be acknowledged as a separate category of citizens with specific needs that need to be addressed with specific policy recommendations and practices. This cannot be more apparent when looking into the harsh regime changes encountered by young refugees and asylum seekers in transition to adulthood.

The Parliamentary Assembly of the Council of Europe (PACE) study “Migrant children: what rights at 18?” found that Young migrants after turning eighteen find themselves without any financial support, and forced to work irregularly, often in poor conditions, in order to survive. They also face challenges renting decent housing in the private market, due to discrimination in law and practice, low and unstable income, and the inability to conclude or enforce contractual agreements. In both the labor and housing markets, the lack of access to justice or redress for violations of rights make young migrants vulnerable to living and working in exploitative conditions. They are also unable to open bank accounts, further reducing their economic empowerment and meaning they have to rely on informal financial services. In such contexts it is particularly difficult for the youth to continue and complete their educational career and maintain the social relations and process of integration in the host society.

According to the key findings of the same PACE study there is a lack of harmonization and numerous inconsistencies in administrative procedures in different Council of Europe member states, including central Europe where every country has its own practices and its highly inconsistent. Even within a country the administrative procedures between agencies are inconsistent, for example the study found that one member state, in the eyes of the social welfare services, young migrants who have become adults are no longer entitled to social benefits whereas employment agencies still consider them as minors and do not pay any of the benefits usually paid to adults. In this context, many young migrants end up living on the streets, where they are exposed to greater risks of being caught up in the nets of drug trafficking, prostitution or human trafficking.

Attention should be drawn to the work already carried out by the Council of Europe on life projects for unaccompanied migrant minors (Recommendation CM/Rec(2007)).

A life project is a plan that is drawn up by and negotiated between a child and the authorities of the destination country. It is a personal plan as it takes account of the child’s past and his cultural identity and aims to give him or her prospects for the future, while taking into account the best interests of the child. Life projects offer an important basis for giving young migrants the possibility to develop their autonomy and their sense of responsibility so that they can become active members of society as quickly as possible, irrespective of whether or not they remain in the destination country.

The life project is referred again in resolution 1996(2014) and can be seen as a framework to work towards inter-sectorial cooperation and addressing the concerns of young refugees in transition to adulthood.

The Youth Sector of the Council of Europe has since 2010 therefore actively been promoting and working on this issue, which has resulted into the adoption of the PACE resolution 1996(2014). The resolution calls on member states of the Council of Europe to implement a range of useful measures, although challenges remain. Among others the resolution suggests member states to:

- Keep in mind the highest interest of the child. According to our findings and the Parliamentary Assembly study this means that the interest of the child should take into consideration the young individual situation as young adult and enable their future full participation in society. The resolution therefore calls for the establishment of a transition phase until 25 in order for the this highest interest of the child to be met in line with the principles outlined in the UN Convention of the Rights of the Child (CRC).
- Give the benefit of the doubt when assessing young migrants age and ensuring informed consent. This concern has been identified in few other resolutions and recommendations of the Council of Europe on migration Including a designated Council of Europe recommendations on age assessment. However various studies have found that European countries don't implement the recommendations regarding age assessment which stays a contested concern for NGO's and young refugees.
- Bear in mind that family reunion is an integral component of 'Life Project'. Family reunion and integration is also very important for young people in transition as it creates a lot of social support and safety.
- Establish the 'Life Project' as called for in the Committee of Ministers Recommendation (2007). This is a very useful recommendation dictating that there should be a program developed for the young individual to individually go through a process of gaining independence, coming into adulthood, which is supported and guided. And there are recommendations on how to do this but these are not being implemented. There is much to be done here.

The resolution 1996(2014) is the first document that calls for establishing a 'transition category', from the age of 18 to 25. Therefore it is a highly important to promote its implementation by member states. It further calls for member states to support young migrants through political means and measures that are geared to:

- Welfare assistance and education
- Access to information on the relevant administrative procedures
- Extensions of housing assistance
- Access to healthcare

All above mentioned is the result of 9 years of work by young refugees, the Council of Europe and UNHCR together. The Regional seminar aims to start the next step in the process of going from policy to practice. The seminar asks its participants how can the aims of the adopted resolution 1996(2014) and the recommendation on Life Projects direct concrete practices in Members states for the improvement of the lives of young refugees asylum seekers and those enjoying humanitarian asylum in Central Europe.

KEY INPUT 2

Takayuki Ueno, Regional Protection Officer, UNHCR RRCE

In his presentation, Takayuki Ueno, shared about the joint UNHCR/UNICEF “*Safe and Sound*” publication of October 2014, that focuses on what states can do to operationalize the best interests principle as a primary consideration when dealing with unaccompanied and separated children in Europe.⁸ In 2008 UNHCR came out with the Guidelines on Determining the Best Interests of the Child.⁹ In 2011 a Field Handbook for the Implementation of UNHCR BID Guidelines was published.¹⁰ It emerged that these guidelines do not exactly reflect and are not applicable for the situation in the industrialised states. So this endeavour was to raise awareness of all the obligations to respect the best interests of the child and to provide suggestions for possible ways to ensure by building on the good national practices in different countries. It also aims to inspire and assist States in developing functioning and robust best interests assessment and/or determination.

Consequently, UNHCR and other stakeholders recognized that there is a big need to focus on the needs for specific guidance in industrialized countries. ‘Safe and Sound’ addresses key issues which States are grappling with when dealing with unaccompanied children and separated children:

- Building trust;
- Data sharing and confidentiality;
- Collaborating in a holistic approach;
- Age assessment;
- Aging out (turning 18);
- Family tracing;
- Identifying relevant factors for a Best Interest Assessment (BIA)/ Best Interest Determination (BID) and weight to be attributed to them; and
- Relationship of the best interest determination (BID) with existing asylum and migration systems. Focusing on how the determination of best interest fits into the migration system.

Emphasis was made on the Best Interests Determination (BID) which will inform a durable solution having a fundamental impact on child’s long term development into adulthood. When it comes to the young adult turning 18, the range of problems encountered during transition was recognized:

- Loss of social, economic and education rights;
- Loss of the rights to accommodation in special homes for younger people or foster care
- Loss of official representative/guardian
- Risk of detention
- Risk of deportation to countries where they may no longer have any links
- Lack of information about their rights as adults
- Lack of access to justice or redress for violation of rights

⁸ UN High Commissioner for Refugees (UNHCR), *Safe and Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, October 2014, available at: <http://www.refworld.org/docid/5423da264.html>

⁹ UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, <http://www.unhcr.org/refworld/docid/48480c342.html>

¹⁰ UNHCR, *Field Handbook for the Implementation of UNHCR BID Guidelines*, November 2011, <http://www.refworld.org/docid/4e4a57d02.html>

The second publication shared by UNHCR RRCE was on the UNHCR project Refugee Integration: Capacity and Integration which was implemented in Bulgaria, Poland, Romania, and Slovakia. The online Integration Evaluation Tool (IET) with 231 indicators was developed for authorities and other stakeholders to jointly gather and analyse data. The IET aimed to develop effective, reliable, and sustainable data collection methods and internal review mechanisms, to identify gaps and good practices as well as to build the capacity of and partnerships among different actors in refugee integration. There are 4 types of indicators:

1. Policy Indicators: Are there laws and Policies in place to implement integration principles?
2. Administrative inputs: Has the government invested in the infrastructure to implement these policies and services in partnership with NGOs?
3. Financial inputs: Does the government commit sufficient national resources?
4. Outcomes: Do beneficiaries of international protection who access and use these policies have greater participation and well-being in society?

There are certain issues concerning continuity and on how often this data is being updated. But the fact that the data was indeed gathered over the course of these 18 months and is available for the public makes it a very useful resource particularly in the context of unaccompanied refugee and asylum-seeking children.

Goals of the integration evaluation tool are:

- To make integration policies more relevant, efficient, and effective for beneficiaries of international protection.
- To make sure that integration policies are being applied in practice by providing indicators, benchmarks and by being able to compare.
- The principle of 'Mainstreaming where possible, targeting when necessary. This is the principle of mainstreaming access for the refugees and beneficiaries of subsidiary protection, is to be able to access the services provided to the nationals of these countries. So mainstreaming the services that benefit the persons of concern and targeting necessary means specifically to the groups with specific needs (this could be the unaccompanied or separated child that is turning 18.)
- The joined-up Approach applied.¹¹

It was suggested that practical tools applied in the IET project can also be used during the seminar when devising recommendations and actions to be taken to address challenges faced by young refugees and youth.

¹¹ This method not only entails the use of different **areas of expertise** (i.e. education, employment, lifelong learning, family reunification, and housing) and different **types of expertise** (required by the typology of indicators), but demands joined-up coordination of different **responsible actors** (from states to NGOs and beneficiaries of international protection) and a joined-up approach of the different types of **evidence** (self-assessment, internal audit, independent evaluation, quantitative and qualitative research, and national statistics).

KEY INPUT 3

Dimitra Soulele, FEANTSA, European federation of national organizations working with the homeless

The nature of the factors influencing the protection of vulnerable children and youth is multiple, complex and interdependent. It has to do with the social, political, and economic dimension. Alongside the nature of the needs of these children it requires support from different agencies. In order to address all these issues, many actors have to be combined and engaged with multi-levels of government. This is inter-professional and inter-organisational cooperation, which can be between part(s) of a sector with part(s) of other sector(s). This is a dynamic process/approach as well as a tool. Inter-sectorial cooperation is one of the most complex forms of cooperation. It should be distinguished from other forms such as multiple-sector cooperation, in the same geographical location in which approximately the same services might be provided, but without actual cooperation between the sectors. There is a trend to perceive these situations as cooperation, which in fact it is not because there is no establish lines of communication for coordination to meet a joint common goal. There are also certain differences concerning inter-professional exchanges of information but these are not to be mistaken for inter-sectorial cooperation because there might be an understanding of a common goal but there is no coordination towards the distribution of responsibilities and authority

What is inter-sectorial cooperation?

Relevant terms:

Collaboration, coordination, and cooperation. (These terms are often used interchangeably to describe effective teamwork, “working together”)

- *Collaboration:* Single shared goal, shared vision, full commitment, and common mission, operating on many levels, joint actions and resources, and common outcomes evaluation.
- *Coordination:* Exchanging information, authority retained by each organization, often contract based (formal or informal).
- *Cooperation:* This (often) concerns networks for exchanging relevant information and resources in support of each other’s goals. It includes more formal relationships, understanding of compatible missions, division of roles, communication channels established. Sociological definitions of cooperation are: a social interaction where more parties work together to gain a common end; a process towards a common objective; or the continuous and common endeavour of more persons to perform a task or achieve a goal commonly cherished. An example is the development of a community-based cooperation, in order to address the need or services under the same call could be joined together.

Main steps towards inter-sectorial cooperation

1. To define and understand the general context of the problem/issue that has to be addressed.
2. To work towards reassuring the main conditions: relationships, leadership, structure, process, and resources.

To evaluate, by use of an evaluation model adapted from the people working in the field, the users, or combined models.

How could inter-sectorial cooperation be effective?

Pre-conditions

- Key factor is to understand the issue of concern and to define it within a certain context. This will contribute to better form a common vision and goals. It's important to remind that conditions may work both as enablers as well as barriers.

A number of interdependent key conditions were found to influence the outcome of collaborative efforts:

- Relationships among partners: trust, mutual respect, inclusive of all participants, communication, transparency, common vision, and clarity of roles and responsibilities.
- Common vision/goal: common and clear understanding of the issue, clear coherent vision and goal based on commonly accepted principles.
- Leading role/coordination/leadership (formal or informal).
- Resources: human, financial, and material (and how to make the most of these).
- Structure: legislation, policies, etc. (as well as architecture).
- Process: established process (coordination, communication).

MAPPING THE REALITIES

Mapping the realities of unaccompanied and separated refugee and asylum-seeking children in transition to adulthood, in eight Central European Countries

This mapping is reflecting the ideas of participants who had first surveyed the existing challenges young refugees face in various central European countries when going into transition to adulthood. Based on the initial mapping of these challenges key areas of concerns emerged which were further explored in working groups, identifying in details the existing practices and the stakeholders involved. The results of their efforts can be summarized as followed.

Health Care in Romania and Slovakia

- In these two countries NGOs provide information and counselling about the rights and obligations related to health insurance. They help with the administrative paperwork related to insurances. Also they reimburse expenses for health insurance, visits to doctors and medication. In both countries unaccompanied asylum-seeking children are allowed to use public or private hospitals as everyone else. Refugee communities help by providing care for the unaccompanied asylum-seeking child when it is in need. They support with translation when visiting doctors for free as the NGOs don't have most often money to pay the volunteers. The community volunteers also provide information on existing health care mechanisms and structures.
- In Slovakia the government pays for the health insurance of unaccompanied asylum-seeking children as long as the ID card is valid.
- In Romania the unaccompanied asylum-seeking children get full insurance from the government. Those who have chronic diseases, receive free medical care. In case of emergency the unaccompanied asylum-seeking child pays nothing for the first three days.
- In Slovakia refugee community provides a lot psychological and moral support to USASRC and other refugees.

Example from participants: *One of the refugee participants during last 2 years witnessed 9 babies being born as she volunteered to be support and translator for those refugee women who were giving birth in Slovakia.*

Age-assessment in Romania and Austria

- In Austria and Romania age-assessment is done only for the USASRC that apply for asylum. Age-assessment is done through medical methods like dental exam, collarbone and carpal bone X-ray.
- In Romania age-assessment is done only when there is doubt about the age of the unaccompanied asylum-seeking child. In Austria age-assessment takes 6 - 8 months, in Romania this takes only 3 weeks.
- When applying for asylum the USASRC stay in centres organised and paid by the government.
- In Romania NGOs inform USASRC that they can refuse the age-assessment if they want. The guardian accompanies them during the age-assessment. The children are also allowed to request a second testing but in this case they need to cover the costs themselves.

Family Reunification in Slovakia, Slovenia and the Czech Republic

- State agencies are the main actors in the process of family reunification in these three countries. Sometimes the UNHCR also assists and plays a facilitating role in this process, especially with prolonged and more complicated cases.
- In these countries NGOs have relatively minor roles, which are to provide information, legal counselling, mapping the situation, gathering data on successful and unsuccessful cases, and applying pressure on State agencies working in the field.
- Participants identified the main agencies involved in the process of family reunification in their countries being: facilities for minors, legal guardians, ministry of interior and foreign affairs, social workers and the office of Ombudsperson.
- Refugee communities have the roles to play by providing information about the process of family reunification and psychological support.

Guardianship in Bulgaria and Romania

- In Bulgaria, the main actors responsible for USASRC are State agencies: Agency for Refugees, Agency for Child Protection and Agency for Social Protection. The State Agency for Social Protection tries to put newly adopted laws into practices, by distributing and providing information to minors in child-friendly language about their rights and responsibilities, and by coordinating the cooperation between State agencies, NGOs, and refugee communities.

Note from participants: *It was mentioned that during the month of December 2015, a Dutch delegation was going to visit Bulgarian State agencies to discuss and to share their experiences and best practices related to guardianship of USASRC.*

- In Bulgaria NGOs are providing legal aid to USASRC, conducting trainings for those involved in the procedure of guardianship. They also provide manuals for the children about their rights and responsibilities.
- Both in Bulgaria and Romania refugee communities play an important role in the search for guardians for USASRC, as they help to find guardians within refugee community itself. An organisation in Bulgaria called “*Council of Refugee Women*” provides significant support in this process.
- International organisations such as UNICEF, UNHCR, and Red Cross are also actively involved in the process of guardianship.

Social Integration in Poland

- Often participants link social integration to host societies and their ability to accept refugees. It was mentioned that negative rhetoric from several politicians and media-coverage, raised xenophobia and racism in host communities causing big damage in Poland. A survey done in Poland showed following increase of the negative rhetoric’s 70% of the population is currently against receiving new refugees, even though 90% of people participating in the survey stated they had never met any refugees.

Access to asylum in Hungary and Bulgaria

- In both countries Border Police carries out identification of USASRC and very often are the first contact for USASRC. The police lacks competences about cultural differences of receiving countries.
- Further on in the process of access to asylum, NGOs can be present. Once the identification is done, the border police needs to contact the Child Protection Agency and Agency for Refugees.
- If USASRC is not identified as unaccompanied asylum-seeking, he/she is sent to a detention centre where many unaccompanied children spent more than six months. In Hungary all NGOs can access the detention centres in principle; in Bulgaria there are only five NGOs that have signed agreements.
- If USASRC are identified as asylum-seekers they are being sent to asylum centres. In Hungary once in an asylum centre, the USASRC can get legal aid and necessary information from NGOs who also monitor the process. In Bulgaria the situation is different as there are no actors who would provide information and legal aid to USASRC during the Asylum procedure. If the process is successful the USASRC can go to reception centres or special children homes.
- In both countries very often USASRC are missing information about the process and administrative and psychological support.

Example from participants: *Therefore Czech UNHCR created online public database of volunteers who can be contacted directly by the refugee community if they need any kind of help and support.*

Housing in Slovenia, Poland (and Greece)

- In Greece there are reception centres but there are not really specialised for minors. In the process of housing the state plays a major role alongside with UNHCR and NGOs who provide a lot of information and expertise in the field to asylum-seekers. Cooperation between these actors does exist but without a central strategy at national level and the approach in different regions is often very different. The first missing element or gap is the strategy and common goals between actors. Another challenge is the lack of stable state funding because currently much depends on funding from the European Union.
- In Poland there is no difference between the reception at the asylum procedure stage and the stage that follows after recognition of status/the asylum procedure; every USASRC is transferred to crisis centres after crossing the border. The state is the main responsible actor in housing of every unaccompanied asylum-seeking child. The support of NGOs is very limited because they very often don't have any knowledge and information about the number of unaccompanied children and where they are located in various crisis centres situated in Poland. Participants thought the reason of this might be that the role of NGOs is not acknowledged and they are underestimated by the authorities.
- In Slovenia the problem that USASRC face is that there are no specialised centres for USASRC, and there are only asylum /reception centres.

Education in Romania, Bulgaria and Hungary

- In these three countries participants found that there are favourable laws about refugees and about the education, which is prerequisite to start the access to education.
- In Hungary the language courses are provided by NGOs, and in Romania they are provided by the state.
- In Romania, if the USASRC has a high school diploma, they can be recognised and they can start their studies from the 5th grade. If they don't have one, the recognition process takes place only once a year in May, carried out by the Ministry of Education. NGOs are assisting by covering the costs of translations of diplomas and legalisation and also by providing information and mediation how to access education.
- Legal guardians or appointed social workers are responsible for the evaluation and facilitation of the learning process of the unaccompanied asylum-seeking child. In this stage sometimes NGOs are able to provide mentors or counsellors to the children. The Council of Europe provides training to legal guardians concerning the topic of education.
- Cultural orientation is very important as it complements the entire educational process of the USASRC. In Romania the government provides this while in Hungary and Bulgaria it is provided by NGOs.

Employment in Hungary and Slovakia

- It was mentioned by participants that lack of employment and financial independence are creating circumstances where USASRC are forced to engage in criminal activities and practices especially when they don't have work permits.
- As soon as USASRC have work permits, they have access to labour market. In Hungary there are NGOs who support and facilitate employment process of USASRC in the following way:

Example from participants: *In Hungary we have a database of companies with whom we very often have negotiation-meetings that result in them offering us job places. We train refugees so they can take these job opportunities to work in these companies.*

- In Hungary the refugee community can influence directly the decision making processes on policy level whereas in Romania the refugee community can influence the decision making processes only through NGOs. The picture is completely different in Slovakia as there are no known and recognised refugee communities by state who could influence the policies.

CROSS-SECTORIAL COOPERATION

One of the aims of the regional seminar was to identify areas of cooperation between stakeholders that work with young refugees and asylum-seekers working towards improving the situation of the persons concerned.

Participants identified four main actors working with USASRC in transition to adulthood: NGOs, refugee communities, State agencies and international institutions. After two days of discussions and reflections on different realities in eight Central European Countries (Austria, Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia).

According to the findings of these two days discussions we could in general observe that in most participating countries NGOs mostly do monitoring of different stages of asylum seeking processes and also provide some social services. Therefore, in most of the cases, NGOs directly work with USASRC and/or refugees. NGOs are also cooperating effectively with UNHCR and Council of Europe, mostly creating training and support opportunities for USASRC and lobbying for policy recommendations and resolutions.

Refugee communities are there to provide moral and emotional support to USASRC, so they mostly cooperate with NGOs and USASRC.

In their turn UNHCR and Council of Europe are working with and cooperating with NGOs and State agencies by providing input and lobbying on policy changes, mediation and cultural trainings, and funding opportunities.

State agencies basically are working on all above mentioned thematic areas, but what is the main highlight here is the lack of direct cooperation of state agencies with NGOs and Refugee Communities.

The overall picture showed that in the majority of these countries the inter-sectorial cooperation is not always working and/or at least not always at all levels. To address the challenges of cooperation, coordinated interaction is needed where more parties work together to gain a vision towards a common end; starting a common process towards common objectives.

RECOMMENDATIONS

As the results of the intense process of two days work, at the end of the regional seminar, participants came up with the range of suggestions to improve the situation of USASRC in the transition stage to adulthood and possible plan of action among others through more inter-sectorial cooperation which could be applied in Central European countries. The suggestions identified by the participants have been formulated as recommendations by the author and editors of the report:

NGOs

- NGOs should cooperate more with the office of the ombudsperson in their respective countries and maximize the latter's mandates to report and advice on the asylum procedures and reception of USASRC in accordance with international standards and national law. The national ombudsperson should also be informed of the challenges faced by USASRC in transition to adulthood and could help encourage inter-sectorial cooperation. The reporting on existing challenges to the ombudsperson should also extend to the Council of Europe Commissioner of Human Rights in Strasbourg.
- NGOs should be invited to engage more in the asylum process at the identification stage of USASRC upon arrival in the country. NGOs can bring their expertise by supporting law enforcement officers to identify USASRC, ensure their correct registration and transfer to the appropriate reception facilities.
- NGO's involved in a particular phase of the asylum procedure should ensure complete transfer of information on the USASRC to other NGO's, state agencies and where relevant representatives of the refugee community of the USASRC. The transfer of information should allow for a smooth and complete support to the USASRC from arrival to completion of the asylum procedure and for the successful completion of the transition to adulthood of the USASRC by the age of 25.
- NGO's should ensure their practices take into account the best interests of the child principles which includes their transition to adulthood and ensure cooperation with other stakeholders concerns.
- NGOs can support USASRC to find employment opportunities, once allowed, through language, vocational and cultural sensitivity and host society orientation training. In addition NGO's can work with employers to create job opportunities in their businesses for young refugees.
- NGOs can contribute in provision of more child-friendly information to USASRC about the different administrative processes they are in, and on their rights and responsibilities.
- NGO's should promote the implementation of PACE resolution 1996(2014) and other related recommendations and guidelines of the Council of Europe and UNHCR to ensure the best interests of the child and covering their transition to adulthood also.
- NGOs can play a catalytic role in ensuring that the attention is made and focus is placed on USASRC undergoing transition phase to adulthood by working closely with the authorities and relevant international actors.

UNHCR

- UNHCR ensures regular training is provided for Border Police working with USASRC regarding asylum procedures in line with the best interests of the child principles and to raise the awareness of cultural differences and cultural sensitivity as the Border Police is most often the first contact between the asylum seeker and the receiving country.

- UNHCR should create or assist in establishing a public database of volunteers in each country who can be contacted by refugees when they are in need to get support in the field of asylum and migration.
- UNHCR should advocate with local governments to create job opportunities particularly for USASRC who are in transition to adulthood.
- UNHCR should provide more funding for cultural mediation training for all actors involved because it allows USASRC to better navigate the host community and for the state agencies, law enforcers and host community to respond to the USASRC with understanding and cultural sensitivity. .

State Agencies

- State agencies should empower NGO's and where relevant, members of the refugee community in their work to address the concerns of USASRC and the USASRC in transition to adulthood. Recognition of the role these partners play includes acknowledging their work publicly, inviting representatives of these stakeholders for coordination meetings and moral and in-kind support if not direct financial support.
- USASRC State agencies should allow more NGOs to be part of asylum-seeking process/asylum procedure of unaccompanied children for example in providing procedural information, Age assessment procedure if relevant, translation services, social support and social activities. NGO's should also be allowed to give legal aid, especially in situations of dispute.
- State agencies should engage and allow more NGOs to enter reception centres to keep the process transparent during the asylum process and help identify and work with USASRC.
- State agencies should make the age assessment process of USASRC faster; maximum 3 weeks, in some countries it takes up to 8 months leading to unneeded stress and a situation of endured detention in centres, delays in accessing education or other social services and starting the asylum procedure and/or family reunification.
- State agencies should ensure legal representatives for USASRC in the process of age assessment and allow for legal support when there is a need to contest the results.
- State agencies should ensure housing of every USASRC in accordance with international standards. The housing should be extended for USASRC in transition to adulthood till that age of 25 if this is in the best interests of the child as indicated in resolution 1996(2014) and does not cause any disruptions in integration process. For example to allow for completion of an academic process, continuation of build-up of the social support network or other psycho-social services.
- State agencies should provide language courses for USASRC on daily basis to attain language proficiency, in this process they could utilise the vast knowledge of NGO's and volunteer members of the refugee communities.
- State agencies should cooperate and take under consideration the ideas and expertise of local refugee communities, for example in language acquisition, cultural orientation training and assistance with accessing health and social services.
- State agencies should organise more awareness raising, information sharing campaigns about realities of USASRC and the actual correct numbers of refugees and services provided for the public to counter misconceptions and fight racism and xenophobia caused by the negative rhetoric from several politicians. NGO's can be a partner in such awareness raising campaigns while members of the refugee community can help give a face to the USASRC and refugees in general.

- State agencies should extend the age for applying and completing the process of family reunification from 18 up to 25 years old in line with the resolution 1996(2014) and the principle of best interests of the child.
- State agencies should broaden the concept of family members from parents and siblings to uncles and aunties, grandparents, etc. who can be considered for USASRC for family reunification process and help give the needed emotional support in their process of transition to adulthood.
- State agencies should provide coherent national strategies to provide asylum to USASRC.

Refugee Communities

- Refugee Communities do a great job in all participating eight countries when it comes to providing support in language training, moral and psychological support but they should be mobilized and participate in decision-making processes affecting their situation, inter alia, by providing information, based on their experiences, moral support, and assist with administrative challenges.

CONCLUSION

The topic of the seminar and the diversity of participants invited was a first for the region and the representatives of state agencies, NGO's, and young refugees who attended. The seminar was considered by all as very timely. Most Central European member states are transit countries for young refugees who on average stay between 24 and 72 hours only. EU policy Directives are however changing and Central European countries are confronted with large influx of refugees leading them to become also host countries, especially for young refugees and minors. Their successful integration in their host society is largely dependent on becoming autonomous members of society with access to the labour market and social life. Successful examples of integrating young refugees in the local school and sport clubs have proven to be successful in language acquisition and future chances in the society. The UNHCR tools on measuring integration and ensure the Best Interests of the Child were identified as useful tools for the implementation of the PACE resolution 1996 and the Committee of Ministers recommendation 2007 on Life Projects of the Council of Europe.

Due to the on-going pressure on NGO's and agencies to respond to refugee movements in Europe not all relevant stakeholders could attend from each country. In addition the innovative topics 'transition to adulthood' and 'inter-sectorial cooperation' needed sufficient time to be explored by the participants. Due to these reasons the seminar did not identify concrete action plans for follow up in the area of inter-sectorial cooperation. The seminar however did succeed in identifying the areas of expertise and responsibilities of the various stakeholders working for the best interests of the USASRC, including those in transition to adulthood. The participants came with concrete suggestions for the state agencies, NGO's, members of the refugee community and international institutions in Central Europe how to continue and further improve their efforts for the interests of the USASRC and extend their efforts to support also those USASRC in transition to adulthood in line with PACE resolution 1996(2014).

The organisers of the seminar conclude that there is a need for further information sharing and training on Inter-sectorial cooperation involving representatives of state agencies, NGO's and the refugee community. Initiatives promoting inter-sectorial cooperation should ensure the full representation and participation of the USASRC themselves. The Youth Department long standing experience with Youth Participation should be taken into account. In addition to organising a regional training of seminar on inter-sectorial cooperation and youth participation of USASRC member states are encouraged and invited to consider running a pilot project in their country. A pilot project would allow for a focused approach addressing concrete realities of USASRC, including those in transition to adulthood. In addition, national level pilot project could be easier to attend for representative of state agencies, NGOs and implement in the national language. A pilot project would also make it easier for USASRC to participate as they face no limitations to travel due to their asylum status within the national borders. Lastly, this seminar and its recommendations reaffirmed that the momentum gained in the past years to place a spotlight on the concerns and problems faced by young refugees and USASRC in transition, should continue by all stakeholders in Europe including Central Europe.

ANNEXES

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Programme of the Seminar

Monday 2 November

- 8.45 Registration of participants, lobby ground floor.
- 9.30 Opening of the Regional Seminar
Olaf Köndgen, Executive Director of the European Youth Centre Budapest, Youth Department of the Council of Europe
Yolande Ditewig, Senior Regional Policy Officer, UNHCR Regional Representative to Central Europe
- 10.00 Introductions to the seminar's participants, programme and working methods
- 10.45 Break
- 11.15 Presentation of the work done on unaccompanied and separated refugee and asylum-seeking children in transition to adulthood by the Council of Europe in cooperation with the UNHCR.
Menno Ettema, Educational Advisor, Youth Department of the Council of Europe
Takayuki Ueno, Protection Associate, UNHCR Regional Representative to Central Europe
- 13.00 Lunch
- 14.30 Working groups to map existing realities, challenges and opportunities encountered by unaccompanied and separated refugee and asylum-seeking children in transition to adulthood in the different countries of Central Europe.
- 16.00 Break
- 16.30 Working groups continues
- 17.30 Presentation of working group outcomes in plenary
- 19.00 Dinner
- 20.30 Organisations Bazaar

Tuesday 3 November

- 9.30 Opening of the Day
- 9.40 Presentation of practices of inter-sectorial cooperation addressing challenges of vulnerable children and youth.
Dimitra Soulele, FEANTSA, European Federation of National Organisations working with the Homeless

10.30 Discussion on the necessity for a Human Rights based approach and how to realise it when working with unaccompanied and separated refugee and asylum-seeking children in transition to adulthood.

Nikolaos Sitaropoulos, Head of Division I - Deputy to the Director, Office of the Council of Europe Commissioner for Human Rights,

11.30 Break

11.30 Working groups to identify approaches to improve the realities of unaccompanied and separated refugee and asylum-seeking children in transition to adulthood through inter-sectorial cooperation.

Thematic areas addressed:

Health care; Age assessment; Family reunification; Guardianship; Access to asylum; Social Integration; Education; Employment.

13.00 Lunch

14.30 Working groups continues

15.30 Break

16.00 Presentation of the approaches identified by the working groups followed by a discussion on how these approaches could be implemented.

17.00 Evaluation of the Regional Seminar

17.45 Closing of the Regional Seminar

Sergio Belfor, Member of the Advisory Council on Youth, Youth Department of the Council of Europe

18.00 Closing Reception

19.00 Dinner