

## **SEPARATED CHILDREN IN EUROPE PROGRAM**

### **COUNTRY ASSESSMENT**

COUNTRY: Estonia

ASSESSMENT PERIOD: October – December 2000

RESPONDENT (S): Estonian Union for Child Welfare  
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#### **AGENCIES/INDIVIDUALS CONSULTED:**

- Estonian Citizenship and Migration Bureau
- Ministry of Social Affairs
- UNHCR
- Illuka Reception Center for Asylum Seekers
- Ministry of Education

#### **DOCUMENTS USED OR REFERRED TO:**

##### **National legislation, documents:**

- Refugees Act
- The Statutes of the Register of Refugees
- Aliens Act
- Criminal Code
- Republic of Estonia Child Protection Act
- Code of Administrative Offences
- Family Law Act
- Social Welfare Act
- Health Insurance Act
- Regulation No. 4 of the Minister of Social Affairs of 16 January 1995  
Medical prophylactic examination of children under 7 years of age.
- General Part of the Civil Code
- Education Act
- The Constitution of the Republic of Estonia
- Citizenship Act

International documents:

- The European Convention on Human Rights and Fundamental Freedoms
- European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment
- UNHCR Guidelines
- Geneva Convention relating to the Status of Refugees 1951 and Protocol
- United Nations Convention on the Rights of the Child

### **Definition of "Separated Child"**

- a) Refugees Act of Estonia does not give us the *expressis verbis* definition of the children separated from their parents. Section 11, paragraph 3 of the Refugees Act stipulates that the application of a minor shall be submitted by his or her parent or guardian. If a minor does not have a parent or guardian, a court shall appoint a guardian on the proposal of the reception center. Meaning that according to the law, a child who has no parent or guardian is considered an unaccompanied minor (under 18 years of age).
- b) According to the Guidelines of the United Nations High Commissioner for Refugees from 1997 for the unaccompanied children seeking asylum, children with older siblings over 18 years of age are considered to be "unaccompanied" children. (Appendix II, section 2), which is in correlation with the definition pursuant to law.
- c) The part A section 2.1 of the Statement of Good Practice specifies that separated children are children under 18 years of age who are outside of their country of birth and separated from both of their parents or legal guardian. Therefore the definition pursuant to the Refugees Act coincides with the expression of the Statement of Good Practice.
- d) It would be necessary to incorporate a clear definition identifying children separated from their parents into legislation. The corresponding changes are introduced into the draft of the new wording of the Refugees Act as follows: "for the purposes of this Act, the unaccompanied minor applicant is a person under 18 years of age, who has entered or is staying in Estonia without a parent, care provider or guardian."

## **1. ACCESS TO THE TERRITORY**

1. a) Access of the separated children to the territory of the state is according to the general principles. § 67 of the Republic of Estonia Child Protection Act provides that if the child is recognized as a refugee according to the international or national legislation, he has to receive necessary protection and help regardless of whether he is accompanied by his parents or other persons or not.
1. b) The general principle complies with the Act, but legislation dealing with refugees does not provide actual grounds for

unaccompanied children guaranteeing access to the territory of the state and avoiding detention for violating the entry regime. According to the legislation in force, the Border Guard official with special training (processor) is the person who questions the applicant at the border and accepts the standard format application for asylum. The legislation provides no prohibitions for interrogation of the minor by the Border Guard official. According to the clause C4 of the Statement of Good Practice, the person interviewing the child for receiving basic information is the Border Guard or migration official.

1. c) On the basis of the facts stated above, the necessary regulative provisions should also be introduced in areas that concern expedited procedure by the Border Guard on the border. According to the aim of UNHCR Guidelines and the Act, it should be provided that the expedited procedure should not be permitted if minors are concerned.

1. d) According to the section 33 paragraph 3 of the Criminal Code, seizure can be applied to a vehicle, an item, legal merchandise or other means which or inside which or by the help of which illegal trafficking on a grand scale has been committed, as well as to the vehicle by the help of which the illegal trafficking of persons over the state border or temporary control line has been conducted, if the owner or lawful possessor was aware or should have been aware of its illegal use. According to section 81<sup>2</sup>, the penalty for illegal trafficking of a person over a state border is imprisonment for up to a period of one year. For the same offence committed by a group of people or if it results in violent actions, the violator of the right can be punished by imprisonment from one to three years. Depending on the circumstances, the court can interpret as an aggravating circumstance when applying those provisions if committed against an adolescent under 18 years of age.

According to clause 54 of the Rules of Visas of the Republic of Estonia (from January, 6 1998) and Aliens Act Amendment Act from February, 17 1999, transport companies are obliged to transport aliens sent back from the border to the point where the person was first taken onboard of the vehicle of this transporting company. If the alien has no means to pay for a return trip, the transporting company shall transport the alien back at its own cost. In case the transporter has no means of covering the return cost, the costs until and of return shall be covered by the State Government according to the regulation no 255.

There are no special stipulations concerning children and adolescents under 18 years of age.

### **Trafficking**

1. e) There is no information of such cases registered.

1. f) Human trafficking is punishable pursuant to the criminal procedure.

## **2. Identification**

2. a) Pursuant to the implementation regulation no 238 of the Refugees Act, the person of the applicant shall be determined during the first questioning, which has to take place within 48 hours starting from the time of filing the application for asylum. The applicant is obliged to present all the proof and documents in the possession of the applicant, which has any relevance to the applying of the asylum. Pursuant to the section 8 of the Refugees Act, the initial interview with the applicant, who has expressed a will to apply for asylum at the border point before entering the Republic of Estonia, shall be carried out by the Border Guard official. If the application is submitted within the territory of the Republic of Estonia, the initial interview shall be carried out by the official of the Citizenship and Migration Board. Pursuant to section 12 (3) of the draft Act of the alteration Act of the Aliens Act and the Refugees Act, the unaccompanied minor shall be placed in a reception center or a social welfare institution for the period of the initial interview and expedited procedure (see stipulation 11 of this report) or for the period of refugee determination process and reviewing of the application. According to this draft Act, the initial interview of unaccompanied children shall not be carried out on the border.

2. b) There are no specific provisions for identifying an unaccompanied child or adolescent.

2. c) Deriving from the above mentioned, it should be stated clearly in the law that the child shall be interviewed only by persons having special, adequate training and that the migration and Border Guard officials shall interview the child only for receiving basic information, which is necessary to identify the child. It should also be provided by law that the 48 hours requirement for the initial interview shall not be valid in the case of children, as it shall be carried out after the child has been placed into the reception center and a guardian has been appointed. It is also recommended that in order to ensure the identification of children and necessary protection, a requirement for exchanging the information between different organizations and officials shall be stipulated.

## **3. APPOINTMENT OF GUARDIAN OR ADVISOR**

3. a) To the present, there has not been any cases of an applicant of asylum separated from parents for as to why there has not been any cases of appointment of a guardian or advisor.

3. b) No cases.

3. c) No cases.

3. d) Pursuant to the section 95 of the Family Law Act in cases of choosing the guardian, the personality and the capability of performing as a guardian and the relationship to the person whose guardianship is being set shall be considered.

3. e) Pursuant to section 92 of the Family Law Act, the guardianship shall be set for raising the child, for protecting his moral and economic rights. Guardianship shall be set for a child whose parents have died, declared missing or divested of active legal capacity or whose parents have been deprived of parental rights as well as for the child who has been left without parental care.

The mentioned provision also gives the right to appoint a guardian to separated children applying for asylum. Appointment of guardianship is decided by the court according to the petition submitted by the guardianship authority (reception center of applying for asylum). When choosing the guardian, the personality and the capability of performing as a guardian and the relationship to the person whose guardianship is being set shall be considered.

At the same time, the wish of a child at least 10 years of age and a person with restricted active legal capacity shall be accounted for. The wish of a child under 10 years of age shall be accounted for by which his development level enables to do so. Until the appointment of the guardian, the guardianship authority is responsible for carrying out the guardian's duties (is responsible for raising and maintenance). The appointed guardian shall be accountable to the guardianship authority. Apart from an individual or a public childcare institution, the guardian and advisor can also be a support family, special welfare institution or other institution approved by the social services department.

Although the grounds described in the law are not adequately detailed compared to the Statement of Good Practice, the institution of guardianship as a whole is in accordance with the idea of the Statement. Shortcomings are particularly in parts concerning the time limit of appointing the guardian, the responsibilities and training requirements of the guardian.

3. f) Deriving from the above mentioned, it is necessary to provide specific requirements for personal characteristics as well as for previous preparation of the persons considered as possible guardians for unaccompanied minors seeking asylum in order to ensure the most efficient protection of the child's interests. At the same time, the time limit for appointing a guardian and the regulations laying down the exact obligations of the guardian shall be added.

#### **4. REGISTRATION AND DOCUMENTATION**

4. a) Pursuant to section 23 of the Refugees Act and the statutes of the state refugee register, the personal data and data connected to the procedure of seeking asylum shall be filed for all persons applying for asylum (including children separated from their parents seeking asylum). The data entered into the registry is with restricted access according to the Personal Data Protection Act.

Only statistical data about the number, gender, age and country of origin of the applicants and refugees is for public use. The applicant is given a certificate confirming the status of the applicant for asylum.

According to the Aliens Act, the refugees are given an alien's passport until a travel document provided for pursuant to article 28 of the 1951 Convention is issued where an entry "Convention of July 28, 1951" is being made and which is valid for two years. The registration and documentation of the separated minor applicants would take place according to the general rules.

4. b) The legislation is in accordance with the Act, as pursuant to clause 11, paragraph 3 of the Refugees Act, the application for the minor is being given by his parent or guardian. Therefore, the registration and documentation are done during the initial interview after the appointment of the guardian (see stipulation 2. c of this report).

4. c) Creation of a separate registry is not expedient, there is no need for changes (see stipulation 2. c of this report).

## **5. AGE ASSESSMENT**

5. a) The Refugees Act and associated legislation does not provide procedure for determining a child's age. This procedure has not been used in practice.

5. b) No legislative base or practice.

5. c) It is necessary to introduce corresponding changes into the legislation regulating procedure (actual rules of procedure, methods) and creating the necessary cooperation mechanism. The new wording of the draft legislation of the Refugees Act has a change, which enables medical studies in order to determine an applicant's age, if the administrative agency has grounds for suspicion about the data given by the applicant regarding his age. The described changes are directly in correlation with the idea of the Act.

## **6. DETENTION**

Pursuant to the UN Convention on the Rights of the Child (article 37) and the Child Protection Act (§37), the child with restricted liberties or in custody shall be treated as a child without restraining his dignity. The Refugees Act does not stipulate disallowance of retention *expressis verbis*. To the present, no special conditions have been laid down for minors. Pursuant to section 23, paragraph 2 of the Code of the Administrative Offences, no administrative detention is provided for minors. The General Part of the Civil Code Act stipulates that a person is an adult from 18 years of age. Pursuant to the aforementioned, it can be said that the legislation is in accordance with the stipulations of the UN Convention on the Rights of the Child.

6. b) No cases.

6. c) Administrative provisions shall be added, which determine the lodging of the unaccompanied children as well as provisions about expedited procedure and excluding retention of children on the border. The new wording of the draft

legislation of the Refugees Act provides for putting the child into a reception center for the initial interview and expedited procedure. At the same time, he is ensured welfare services by conditions adapted for the minor and help from persons who have received special training.

## **7. RIGHT TO PARTICIPATE**

7. a) The right to participate is ensured by the Family Law Act as well as by the Child Protection Act. The aim of helping the child, including guardianship and advising is to ensure safety, development and well-being bearing in mind his needs and wishes and supporting his wish for independence.

7. b) The legislation is in accordance with the Act.

7. c) No need for changes.

## **8. FAMILY TRACING AND CONTACT**

8. a) Pursuant to the Child Protection Act (§ 67) the Social Services Department has to start tracing the parents or other family members and clarify the possibilities for the return of the child. In case a child's parents are not recovered, the child has to receive the same protection as every other child who has been temporarily or permanently deprived of family care. No cases.

8. b) No discrepancies with the Act.

8. c) No need for changes.

## **9. FAMILY REUNIFICATION IN A EUROPEAN COUNTRY**

9. a) If persons who are not Estonian citizens wish to be reunified in Estonia, they need a living permit to start living in Estonia. Pursuant to the Alien's Act, a living permit can be applied for the purpose of reunification of the family:

- to live with one's spouse;

- to live with close relatives (parent, guardian, advisor).

The Alien's Act or Refugees Act does not give an opportunity for family reunification in Estonia with a minor child if the latter is given refugee status in Estonia and if the child's rights are best looked after in Estonia.

Reunification in a third country should not have any difficulties if it is commenced in the best interests of the child.

9. b) A contradiction occurs in case the child is given refugee status and in case family reunification in Estonia would best serve the child's interest. Pursuant to section 6 of the Alien's Act, the immigrating of aliens is restricted by the immigration quota, which cannot exceed 0,05% of Estonia's permanent population per annum. Certain aliens are not included in calculating the immigration quota, but in the aforementioned case, the law does not provide any mechanism. The

Refugee's Act does not provide any mechanism either (see stipulation 9. a)

9. c) The legislation should be improved in order to enable effective family reunification in Estonia if the child's rights would be best ensured in Estonia. According to this, the basis of receiving a living permit should be rejoining the child in the cases named and the immigration quota should not be valid in those cases.

## **10. INTERIM CARE: HEALTH, EDUCATION AND TRAINING**

### **Interim Care**

10. a) Estonia has no experience in committing an unaccompanied minor into a welfare institution. But an unaccompanied minor is the subject of the Child Protection Act of the Republic of Estonia as is any other child.

10. b) Is in accordance with the Act.

10. c) Changes are not necessary at the moment, but in case of drafting new legislation, unaccompanied minors should be born in mind.

### **Health**

10. d) Estonia lacks experience in unaccompanied minors, but pursuant to the Health Insurance Act (§2), the child under 18 years of age is being equivalent to a person covered by health insurance. Health insurance ensures him coverage of the cost of medical examinations, health maintenance and medical treatment by the health insurance fund. Additionally the prophylactic monitoring of children under 7 years of age is arranged, which is organized by regulation No 4 of the Minister of Social Affairs of 16 January 1995 "Prophylactic medical examination of children under 7 years of age."

10. e) National legislation is in accordance with the Act.

10. f) No need for adjustments.

### **Education**

10. g) Pursuant to the Republic of Estonia Law on Education, every child that is seven years old by 1 October of the current year is obliged to go to school. The child is obliged to attend school until graduating from the basic school or until he reaches 17 years of age. Pursuant to the Child Protection Act, the state and local municipalities ensure the children deprived of parental care an opportunity to learn and have education.

10. h) National legislation is in accordance with the Act.

10. i) As Estonia lacks experience with unaccompanied minors, there is no practice in this area. Depending on the country of origin of the unaccompanied minor, there might arise problems with learning the language.

## **11. REFUGEE DETERMINATION PROCESS**

### **Access to Normal Procedures**

11. a) Pursuant to the questions treated in stipulation a) of this questionnaire, separated children are being guaranteed access to the asylum procedure pursuant to the general principles.

11. b) The Statement of Good Practice provides that a separated child and adolescent shall be provided access to the asylum procedure regardless of their age. Estonian legislation complies with the described requirement.

11. c) No need for adjustments.

### **Legal Representation**

11. d) Section 7 of the Refugees Act provides that the asylum seeker has the right to be in connection with the UNHCR and other organizations protecting refugees' rights and to have a representative for the procedure of asylum seeking. In case of a separated minor as an asylum seeker, the representative shall be a person appointed by the court by the proposal of the guardianship authority. At present, the government does not ensure the legal representation of the asylum seekers in the questions of the applying for asylum.. Pursuant to that, in September 1999 a legal clinic was established at Concordia University with the help of the Open Estonian Foundation, the Estonian Red Cross and the UNHCR where complete legal aid is being offered to asylum seekers for no charge. In December 2000 a non-profit association Eesti Pagulasabi (Estonian Refugee Help) shall be founded, with the main objective to offer legal counseling to the asylum seekers and refugees. The activity of this organization depends largely on whether the project finds itself financing. The cooperation principles between the project and administrative agencies shall be elaborated as well.

11. e) The above mentioned non-profit association ensures separated children with free legal aid pursuant to the general principles, but only if the project will actually start working.

11. f) No specific criteria has been provided for the legal representative such as experience in representing and helping the child and a good understanding of the different forms of child persecution. It is necessary to train lawyers representing refugees in questions related to children.

### **Minimal Procedural Guarantees**

11. g) Minimal procedural guarantees are ensured to the separated children pursuant to the general principals. At present, there are no special conditions established for children.

11. h) In general the purpose of the law is in accordance with the Act.

11. i) The processing of the applications of minors should be given priority in order to avoid a lengthy waiting period. The change has been planned in the new draft legislation. As the applications from children can be accepted only after the appointment of the guardian,

they cannot receive an expedited procedure. It should therefore be stated that any kind of expedited procedure (both on the border and within the country) in case of adolescents and children should be banned.

### **Independent Assessment**

11. j) Refugee legislation does not state the requirement to give separate expert evaluation in case of children. Section 12 of the Refugees' Act provides that the government office in charge shall check the correctness of the documents and the data presented during the process of submitting the application, as well as the credibility of the applicant and his compatibility to the definition of refugee. During that process, it is possible to apply for the evaluation of the specialist of the medical or other respective institution for establishing the mental and health situation and the development level of the child.

11. k) The applying for carrying out the above mentioned expert evaluation for the asylum seeker is quite common. The answers received shall be included when carrying out procedure and making the decision. Therefore the legislation is compatible with the Statement of Good Practice.

11. l) No actual need for changes.

### **Interviews**

11. m) Pursuant to the implementing provisions of the Refugees Act, the interview with the minor applicant shall be carried out in the presence of his parent or guardian. In the absence of the latter, in the presence of the guardian appointed by the court according to the proposal of the reception center and in the presence of the psychologist or pedagogical specialist if needed. In case of interviewing a minor, his age and person shall be taken into account. If an adult applicant can be interviewed no longer than six hours a day, the maximum time established for interviewing a minor applicant can be no more than four hours a day. The number and duration of recesses is not restricted. There are no other special conditions established.

11. n) For the above mentioned part, the legislation is in accordance with the Statement of Good Practice.

11. o) It would be necessary to use a more flexible protocol format for children. It is necessary to give extensive training to the interviewers in questions related to children.

### **Criteria for Making a Decision on the Child's Asylum Application**

11. p) UNHCR Guidelines are used as guidance in making decisions.

11. q) No cases.

11. r) No need for changes, but ongoing training of the officials making the decisions is necessary.

### **Young People Who Become Adults during the Asylum Process**

11. s) The age of the applicant at the moment of submitting the application is being taken into account when making the decision.

11. t) The legislation is in accordance with the Act, no cases.

11. u) No need for changes.

## **12. DURABLE SOLUTIONS**

### **Remaining in Host Country or Country of Asylum Grounds for a Child Remaining in a Host Country**

12. a) Pursuant to section 12, paragraph 1, clause 5 according to the international agreement, the reasons for a minor to remain in a country are granting asylum or temporary residence permit. Therefore in accordance with article 3 of ECHR, article 3 of CAT or other established basis.

12. b) Although legislation is in accordance with the meaning of the Act, there are no social rights provided for in the legislation for the applicants, who apply for living permit according to the international agreement.

12. c) In order to effectively implement the provisions of the so-called alternative protection provided for in the draft Act amending the Refugees Act and Alien's Act, they should be adopted promptly.

### **Family Reunification in Host Country**

The question is already answered in clause 9 of the questionnaire (applying for the living permit of the minor to live with his parents, guardian or advisor). In addition it could be said that if an alien applies for a living permit to live with his close relative who is also an alien, then pursuant to the Alien's Act the period of validity of his living permit is contingent to the period of validity of the living permit of the sponsor (e.g. parent, guardian or advisor).

### **Integration**

12. g) There is no experience with unaccompanied minors. The experience with the adults is just starting to grow. The rights of the aliens after receiving refugee status are being treated in chapter 3 of the Refugees Act "Reception and Social Rights of Refugees." This does not include unaccompanied minors, but the provisions of Child Protection Act can be applied to them, which will ensure them equal rights to other children.

12. h) The legislation corresponds with the Act, as the child can be placed in a social welfare institution for a longer period. In case of leaving the social welfare institution because of the age limit, the provisions of the Social Welfare Act can be applied, which will ensure the necessary support equal to other children.

### **Adoption**

12. j) The adoption takes place pursuant to chapter 10 "Adoption" of the Family Law Act of the Republic of Estonia. Pursuant to section 74 of this law, the child can only be adopted in the child's interests.

Therefore if internationally it is not considered right to adopt unaccompanied minors, then according to the national legislation it shall not be implemented because it is not the best possibility to defend child's rights.

12. k) The contents of the Act complies with the national legislation.

12. l) Changes are not necessary.

### **Identity and Nationality**

12. m) Pursuant to the Constitution of the Republic of Estonia, the questions related to nationality are being regulated by the Citizenship Act. Pursuant to section 13 of the Citizenship Act, a minor under 15 years of age can if his parents are dead, declared as missing or divested of active legal capacity or deprived of parental rights have Estonian citizenship as a result of an application of the guardianship authority or a guardian who is an Estonian citizen if the minor is permanently residing in Estonia and it has not been proved that he has a citizenship of some other country or is proved that he shall be exempt from the citizenship of some other country in connection to receiving Estonian citizenship.

12. n) If a child separated from his parents is living in Estonia and a guardian has been appointed to him according to the procedure established by the state, the child has no problem in receiving citizenship. By 01 October 2000, 214 children have been granted Estonian citizenship as a result of an application submitted by the guardian.

12. o) Taking into account the present situation, it can be said that the aforementioned procedure is working and there is no need to change it.

### **Family Reunification and Returns to a Country of Origin Voluntary Return**

12. p) Pursuant to section 67, paragraph 2 of the Child Protection Act, the Social Services Department shall have to start looking for a child's parents or other family and determine the child's possibilities for return. Legislation in force does not specify any actual mechanism.

12. q) There is no experience with unaccompanied minors.

### **Conditions that must be Fulfilled Prior to Return**

12. s) There are no special conditions for children regulating voluntary return.

12. t) No cases.

12. u) Changes laying down conditions that are in accordance with the Act shall be entered into legislation.

### **13. DATA COLLECTION**

To the present, there has not been any separated minor asylum seeker in Estonia. Therefore there is no practice in data collection. Pursuant to section 23 of the Refugees Act and the Statutes of the Register of Refugees, all personal data of the refugees and data connected to the procedure of asylum seeking persons (including separated children seeking asylum) is being collected (see clause 4 of this report).

### **14. INTERNATIONAL INSTRUMENTS**

#### **14.1. Refugees**

- UN Convention relating to the Status of Refugees 1951 – was ratified by Riigikogu in 1997.
- Protocol relating to the Status of Refugees 1967 – was ratified by Riigikogu in 1997.
- Legislation related to refugees is in accordance with the UNHCR Guidelines and the procedures are operated pursuant to the Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum

The draft Act amending the Refugees Act has been drafted within the framework of the EU PHARE horizontal program dealing with asylum and by using the data presented by comparative analyses of Estonian national legislation and EU legislation and the checklist of changes presented. The named analyses has been collected in cooperation with the General Director of the Asylum and Refugee Department of the General Directorate of Domestic Policy of the Spanish Ministry of Internal Affairs, Mr. Julian Prieto Hergueta and Head of the Legal Department of the French Protection Office of the Refugees and Persons without Citizenship, Mr. Jean-Marie Cravero.

#### **14.2. International Human Rights Instruments**

- UN Declaration on Human Rights
- International Covenant on Civil and Political Rights, 1966 – accession letter has been handed over October 21, 1991. Entered into force January 21, 1992 (RT II 1993/10-11/11)
- \*Optional Protocol of the International Covenant on Civil and Political Rights – accession letter has been handed over October 21, 1991. Entered into force January 21, 1992 (RT II 1993/10 – 11/12)
- International Covenant on Economic, Social and Cultural Rights – accession letter has been handed over October 21, 1991. Entered into force January 21, 1992 (RT II 1993/10 – 11/12)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of

- International Armed Conflicts (Protocol I, 8 June 1977).  
Entered into force 18 July 1993.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol II, 8 June 1977).  
Entered into force 18 July 1993.
- Convention against Torture and other Treatment or Punishment Method, which is Cruel, Inhuman or Degrading Human Dignity. Entered into force 20 November 1991.
- Convention for the Elimination of all Forms of Racial Discrimination (1966) - accession letter has been handed over October 21, 1991. Entered into force 20 November 1991 (RT II 1995/5 – 6/30).

### **14.3 Children – International and Regional Instruments**

- UN Convention on the Rights of the Child, 1989 - accession letter has been handed over October 21, 1991. Entered into force 20 November 1991 (RT II 1996/16/56).

### **14.4 Europe**

- European Convention for the Protection of Human Rights and Fundamental Freedoms (and Protocols), 1950 – adopted by Riigikogu 13 October 1996. Proclaimed by the President 22 March 1996. Entered into force 16 April 1996 (RT II 1996/11 – 12/34).

\*Protocol I, to the European Convention for the Protection of Human Rights and Fundamental Freedoms – ratified 13 March 1996. Proclaimed by the President 24 March 1996. Deposited 16 April 1996. Entered into force 16 April 1996 (RT II 1996/11 – 12/34).

\*Protocol II, the competence of the European Court of Human Rights to give advisory opinions. Entered into force together with the Convention.

\*Protocol III, to the Protection of Human Rights and Fundamental Freedoms. Entered into force together with the Convention.

\*Protocol IV, which ensures certain rights and liberties, which are not included into the European Convention for the Protection of Human Rights and Fundamental Freedoms and into the Protocol I accompanying the Convention – ratified 13 March 1996. Proclaimed by the President 24 March 1996. Deposited 16 April 1996. Entered into force 16 April 1996 (RT II 1996/11 – 12/34).

\*Protocol V, the Convention for the Protection of Human Rights and Fundamental Freedoms. Entered into force together with the Convention.

\*Protocol VI, accompanying the European Convention for the Protection of Human Rights and Fundamental Freedoms, which treats abolition of the death penalty – ratified by Riigikogu 18

March 1998, Proclaimed by the President 24 March 1998.  
Deposited 17 April 1998. Entered into force 01 May 1998 (RT II 1998/12/22).

\*Protocol VII, accompanying the European Convention for the Protection of Human Rights and Fundamental Freedoms – ratified 13 March 1996, Proclaimed by the President 24 March 1996, Deposited 16 April 1996. Entered into force 01 July 1996 (RT II 1996/11-12/34).

\*Protocol VIII, accompanying the Convention for the Protection of Human Rights and Fundamental Freedoms. Entered into force together with the Convention.

\*Protocol IX, accompanying the European Convention for the Protection of Human Rights and Fundamental Freedoms – ratified 13 March 1996, Proclaimed by the President 24 March 1996, Deposited 16 April 1996. Entered into force 01 August 1996.

\*Protocol X, accompanying the European Convention for the Protection of Human Rights and Fundamental Freedoms – ratified 13 March 1996, Proclaimed by the President 24 March 1996 (RT II 1996/11 – 12 /34). Has not entered into force yet.

\*Protocol XI, accompanying the Convention for rearranging the control mechanism created by it – ratified 13 March 1996, Proclaimed by the President 24 March 1996. Entered into force 01 November 1998.

\*Protocol XII, accompanying the Convention for the Protection of Human Rights and Fundamental Freedoms. Ratified by Riigikogu 24 October 2000.

- The Statute of the Council of Europe. Entered into force in Estonia 14 May 1993.
- European Convention for Precluding Torture and Inhuman or Demoralizing Treatment. Entered into force 01 March 1997.
- European Social Charter rectified and amended version. Ratified by Riigikogu 31 May 2000. Entered into force 14 July 2000.

## **15. CONSULTATION WITH SEPARATED YOUNG PEOPLE**

To the present, there has not been one case of a separated minor, there is no relevant practice.

## **16. POLITICAL LEVEL – SUPPORT FOR CHANGE**

To the present, there has not been one case of a separated minor, non-governmental organizations have no relevant practice working with those children. Non-governmental organizations have no practice of any cooperation activities on the international level as well.

In 1997 a cooperation activity together with the Finnish UNHCR Refugee Help Organization was carried out and a training seminar treating the refugee subject was organized for the officials of local municipalities and members of non-governmental organizations.

Bearing the future in mind, there is need for joint training seminars developing network operations between local municipalities and the non-governmental sector and to increase the awareness in questions of asylum seekers and refugees.

Cooperation in the international level is necessary to have an overview of the problems and solutions used in practice to solve the problems of separated children seeking asylum.