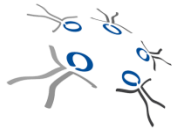




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CHILD CENTRE
Expert Group for Cooperation on
Children at Risk, EGCC



Child Exploitation – Cross-National Child Protection in Practice

‘PROTECT Children on the Move’

Third Expert Meeting

Returns and Transfers in Practice:

**Case examples of children exposed to exploitation and trafficking
and children at risk**

Vilnius, Lithuania

9-10 September 2014

Summary Report

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Background

In 2014 and 2015, the Council of Baltic Sea States (CBSS) Children's Unit coordinates the implementation of the project 'Child exploitation: Cross-national child protection in practice' funded by the European Return Fund. The CBSS Children's Unit collaborates in this project with the Central Board of the State Border Guards in Latvia, the State Child Rights Protection and Adoption Service in Lithuania, and the Stockholm Social Emergency Authority in Sweden. The project provides for a series of five Expert Meetings involving partner institutions, agencies and organisations in Europe and beyond. The aim of the meetings is to identify child rights standards and key agencies responsible for protecting children exposed to exploitation and trafficking in cross-border situations and children at risk. The outcomes will include an analytical report and an online tool outlining relevant laws, policies, procedures and contacts.

The series of expert meetings offers a platform for the networking among officials and professionals working with transnational child protection matters in different sectors and disciplines. The participants in the expert meetings exchange their experience, information and contacts throughout the CBSS region and beyond. In addition, the project is reviewing and discussing solutions to the numerous and complex issues faced by child welfare and migration authorities in relation to the return of children who are victims of exploitation and trafficking or children at risk.

The third Expert Meeting was convened in Vilnius, Lithuania, on 9-10 September 2014. It focused on the theme '*Returns and Transfers in Practice: Case examples of children exposed to exploitation and trafficking and children at risk*'. The meeting was attended by the newly appointed UN Special Rapporteur on the sale of children, child prostitution and child pornography who opened the gathering of almost fifty experts with her key note speech. The participants represented local and national authorities, UN Agencies, national and international NGOs, service providers and practitioners from the Nordic and Baltic States, representatives from Member States of the European Union and the Council of Europe.

Within the Baltic Sea Region, the national governments have achieved important progress in promoting the safety and well-being of children on the move, with specific attention to the situation of unaccompanied asylum seeking children, child victims of exploitation and trafficking, and children at risk. Each country has promoted national law and policy reform, the development of targeted institutions and referral mechanisms. Many CBSS Member States are also members of the EU, while all are participating in the Council of Europe. Within these three regional contexts, they have worked together to advance the rights of the child and have achieved significant progress in this field, including in external cooperation with third countries.

Despite the progress made, there remain many challenges in ensuring the safety and well-being of children on the move. Case management and care planning for children on the move requires effective transnational cooperation in many regards. This applies to each step in the process, from the identification of a child and verification of his or her identity through to determining a durable solution. The participants discussed case examples and noted that there remain many unresolved questions and contentious issues with regard to transnational cooperation. There was a broad consensus among the participants that state authorities and other concerned actors need to work in partnership, nationally and across borders, to identify tangible solutions and to generate knowledge and evidence on how to overcome protection gaps.

This report summarises the key outcomes and conclusions that resulted from the third expert meeting. It incorporates the contributions made by the speakers and the reflections and discussions among participants, specifically on the challenges and issues that still require further

clarification. A more detailed conference report, the speakers' presentations, and meeting agenda are available from the CBSS Children's Unit website.¹

National and transnational protection of children from sexual exploitation – The introductory key note speech by the UN Special Rapporteur on the sale of children, child prostitution and child pornography

The UN Special Rapporteur on the sale of children, child prostitution and child pornography gave the key note speech as an introduction to the theme of national and transnational child protection. The UN mandate on the sale of children, child prostitution and child pornography was created by the UN Commission on Human Rights in 1990. It is mandated to analyse the causes of sale and sexual exploitation of children, identify new patterns, promote best practices and comprehensive strategies for prevention and response, and make recommendations on the protection of child victims. When tackling cross-cutting issues, such as the protection of children on the move, the Special Rapporteur works in coordination with other mandates such as the UN Special Rapporteurs on trafficking and on the human rights of migrants.

The causes and risk factors of sexual exploitation of children are complex, multidimensional, and constantly evolving. They are also often inter-linked at the local, national, regional and international levels. On one hand, there is an increased vulnerability of children to sexual exploitation, linked to poverty, humanitarian crisis (i.e. conflicts, natural disasters, and displacement), underdevelopment, inequality, social norms, and broken or dysfunctional families. On the other hand, there is an increase in the demand for sex with children, which is coupled with the transnational dimension of the phenomenon. Children on the move are particularly at risk. Many die on the way or end up in even worse conditions than those they left behind, being exposed to kidnapping, trafficking, sexual exploitation, economic exploitation, including forced donation of organs, forced drug smuggling and begging.

In order to effectively prevent and respond to the trafficking, exploitation and sale of children, the UN Special Rapporteur advocates for and promotes the establishment of comprehensive national child protection systems. National child protection systems must include the following components: a legal framework compliant with international standards; reliable and updated data and analysis; early identification, referral and protection of child victims; preventive measures; child participation and empowerment; independent monitoring; as well as corporate social responsibility. Due to the transnational character of many forms of violence and exploitation, especially concerning children on the move, the ***implementation of a rights-based and comprehensive child protection system requires effective cooperation at the national, regional and international levels.***

Effective policies for the protection of children in the context of migration call for a change in focus. There is a need to shift from the security approach to the promotion of the child's best interests. To this end, comprehensive and child rights centred transnational cooperation is essential. It should aim to protect, promote and fulfil the rights of migrant children, independently of their immigration status.

A holistic and comprehensive process to identify and address the needs of children affected by migration must be based on all provisions and principles of the CRC and avoid categorisation or distinction of different types of rights. All children involved in or directly affected by international migration are entitled to the enjoyment of their rights, regardless of age, gender, ethnic or national origin and economic or documentation status, in both voluntary and involuntary migration

¹ See: <http://www.childcentre.info/protect-children-on-the-move-second-expert-meeting/> NEED TO UPDATE LINK

situations, whether accompanied or unaccompanied, on the move or settled, documented or undocumented or any other.

Legal gaps persist in many countries. Many children because of their irregular situation and/or that of their relatives are not considered as children because of the way of determination of the minority that is often detrimental to the child. They might not have access to a legal representative/guardianship² and to justice, are not well informed, cannot attend school, vocational training, do not benefit from healthcare and accommodation, are deported or detained.

In these contexts, the lack of legal representation and overwhelming procedures are obstacles to their enjoyment of basic human rights. Children are kept in detention without their informed consent. Institutional mistreatment pushes children to abandon services and to live on the streets, which is putting them in a vulnerable situation. Many children go missing from reception centres, often very soon after their arrival. Some of them meet up with traffickers or smugglers whom they see as a person of trust. The immediate registration and appointment of a guardian, irrespective of whether an asylum claim has been presented, is rare.

Services of medical, psychological and social care are still often insufficient and not easily accessible for children on the move. A large number of children's shelters are not governed by the standards and norms of child protection and are not subject to regular monitoring.

Sustainable long-term solutions in the country of origin, the host country or a third country, are still very weak. These solutions call for the possibility of the child to be associated with the determination of his/her best interest. Efforts should include measures in view of transition of childhood into adulthood.

The possibility of repatriation should be based on listening to the child's story. The return of the child to the country of origin calls for transnational coordination, possibly through consular services, to facilitate reintegration of the repatriated child and above all to ensure his or her safety. Reunification with the child's family should be subject to verification as these children are particularly vulnerable to sexual exploitation, trafficking and other human rights abuses.

The judgment of the ECHR in a case against Belgium in 2007³ sets important safeguards for the conditions under which a return of a child is acceptable from the perspective of the ECHR. In this particular case, the Belgian authorities did not seek to ensure that the deportee, a five year old little girl expelled on her own, would be properly looked after or have regard to the real situation she was likely to encounter on her return to her country of origin.

Moreover, an in-depth debate is needed on whether the Dublin Regulation should not be abolished or at the very least can be applied in a way that takes into consideration the child's best interest, in line with the European Commission's proposal to amend Article 8(4) of the Dublin Regulation.⁴

Much of what has been achieved and advocated by my mandate in terms of the need for an integrated national protection mechanism is equally relevant for children on the move. The first provision of Article 1 of the CRC should guide all our reflections and we should avoid labelling children before addressing their fundamental rights.

² See also standards developed in the FRA Handbook: Guardianship for children deprived of parental care-A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking.

³ *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, Judgment ECHR of 12.1.2007.

⁴ COM(2014)382final: Proposal for a regulation of the EP and of the Council amending Regulation (EU) No 604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State

The challenge of working transnational

The case examples presented by the speakers revealed that ***transnational cooperation between the authorities of countries of destination and origin are often initiated only when a child is about to be returned or in cases of transfers*** to another country. Most other steps in the case management cycle are planned and delivered by the national authorities of the countries of arrival, often from a purely national perspective or in collaboration with international organisations. As most unaccompanied non-national children are hosted and cared for by the asylum reception system, even when they do not qualify for international protection, certain restrictions apply with regard to the contacts with the authorities of the child's home country. When a child does not qualify for asylum but is granted leave to remain up to the age of 18 years old, it might be useful to reconsider these limitations and to assess whether national authorities in the child's home country could be involved in the further care planning and case management process and to which degree they can support the development of a longer-term transparent plan for a durable solution.

Continuity in care planning and case management: Mutual recognition of decisions

The presentations and discussions at the expert meeting have reaffirmed the challenges of ***guaranteeing continuity in care planning and case management and the mutual recognition of decisions in transnational cases***. The challenges are particularly pertinent in cases where children are transferred or returned across borders. Care planning and case management is still processed primarily within the national context of the country where the child is currently present. Despite the growing recognition that children do move across borders and the aspirations to build a common asylum system in the EU, effective transnational cooperation in care planning and case management and procedures for the mutual recognition of decisions are still weak or missing. This leads to disruptions in the care arrangements for children on the move and their personal development.

Areas where the mutual recognition of decisions and continuity in care arrangements would be particularly important are the ***transfer of guardianship arrangements*** when an unaccompanied child is returned or transferred to another country as well as ***recognition of age assessments*** and the ***bilateral cooperation on best interests assessments and determinations***. The Dutch guardianship organisation Nidos has established procedures for the transfer of guardianship arrangements for unaccompanied children who are transferred to another country under Dublin or returned to their home country. Parallel procedures are however not yet in place in other EU Member States or third countries of return. There is thus a misbalance of standards and procedures, especially in the transfers under the Dublin Regulation within the European Union. In consequence, unaccompanied children who are transferred or returned from the Netherlands may result better protected with regard to their guardianship arrangements than children who are returned or transferred from other EU Member States.

The speakers presented different experiences with transnational cooperation for best interests assessments. In Sweden, for instance, the Support and Coordination Unit at the Swedish Migration Board is specialized in handling the returns of children whose asylum applications have been rejected and who return voluntarily to their families. The unit is responsible for acquiring the required travel documents, a task that was previously entirely in the responsibility of the child and his or her guardian. Before the child returns, the unit conducts a new assessment of the best interests of the child and gathers information on the child's family and the reception upon return. This new assessment offers additional safeguards in the return process. There have been positive experiences with these cases of repatriation, even if the number of cases is low. This experience suggests that return is not necessarily a dramatic experience when all parties involved, including the child and the family, are informed and consent and the child's return could then also be understood as family reunification.

The State Social Services of Albania have made positive experiences in collaborating with the authorities of EU Member States in the return of unaccompanied children to Albania, specifically the collaboration with the UK was presented as a good practice example. The Albanian social services provide information to the authorities abroad and participate in the process for the assessment and determination of the best interests of the child while the child is still staying abroad. When the child is repatriated, the social services receive the child, arrange and manage the process up to the family reunification and provide support and monitoring after the child's reintegration. The effective cooperation of authorities in countries of destination and origin from the first assessment of a child's case and his or her best interests through to the implementation of return decisions and the longer-term follow-up, is essential to ensure that case management and care planning for unaccompanied children takes place in a rights-based, dignified and sustainable manner.

In order to strengthen the cross-border cooperation in assessments and decision making processes, it would be important to develop **common procedures, standards and safeguards** as a solid foundation and precondition for the mutual recognition of decisions in transnational cases and referrals. As long as these are not yet in place, continuity in case management and care planning remains a challenge. Regional institutions and organisations, such as the EU, the Council of Europe and the CBSS, can play a role in developing regional guidance and standards and promote their implementation by member states.

From a narrow protection-focused response to a continuum of services for prevention, protection and empowerment

The protection of children from violence is a fundamental right and a cross-cutting principle. Safeguarding children is however much broader than protecting them from violence, abuse, exploitation and neglect. It is about safeguarding all the rights afforded under the Convention in a holistic way, giving due regard to the needs, aspirations, capacities and longer-term development of the child. Experience and evidence show that protection measures are likely to be more effective when they are embedded into a coherent and holistic approach that promotes children's rights and needs with regard to education, work, health, mobility, family responsibilities and contact rights, including options for family reunification.

The case of a Lithuanian girl who was trafficked to Norway and exploited in shoplifting demonstrates that a case that has been considered a 'success story' from the law enforcement perspective did not result in the same level of 'success' from a child rights and protection perspective. The Norwegian law enforcement authorities had correctly identified the child as a victim of trafficking and prosecuted the traffickers successfully. The girl was assisted in Norway and repatriated to Lithuania with the support of national and international organisations and authorities in both countries. In the longer-term, however, it turned out that some essential considerations had been absent from the case management response. The girl had received essential support in Norway and in Lithuania, in the form of counselling and treatment, financial and in-kind support. At the point when the support ceased, the girl was however not yet economically independent and could not support herself through a regular job and income. This led her into a highly precarious situation and vulnerability to exploitation. Social workers have received information that suggest that the young woman is currently living in an exploitative situation abroad. The discussion of this case concluded that it would be important to attach more priority to support child victims of trafficking in the transition into adulthood and economic independence. This component of empowerment is however still often absent from traditional victim assistance programmes that are limited to protection responses.

Save the Children Romania presented the case of a girl who was repatriated from Germany to her family in Romania. The case presentation illustrated, step by step, the elements of a comprehensive case assessment mapping the sources of risk and resiliency of a child upon return.

Risk assessments need to take into account the personal situation of the child and the context that the child is returned to, including the quality of family relations, the economic situation of the child in his or her family of origin and the social context. The personal resources of the child and sources of support need to be understood and mobilised, and the child's situation needs to be monitored over time, to ensure that the repatriation becomes a positive and sustainable experience. It can be useful to draw up a safety and reintegration plan in consultation with the child and his or her caregivers. When signed by the child and caregiver, social support services and other key actors, this plan takes the form of a contract that specifies the tasks and responsibilities of all parties involved as well as relevant time frames and indicators for monitoring. Drawing up and signing a reintegration plan helps strengthening the collaboration and commitment of all actors involved.

In many countries, the contributions of private service providers, including NGOs, are essential for ensuring that these assessments are made, that support services are available and accessible for children after return and that longer-term monitoring is being performed. The role of private service providers is often critical in stepping up the capacity, performance and resources available for child protection. Strengthening public-private partnership is therefore essential and entails public budgetary support for private service providers as well as mechanisms to ensure accountability of all actors involved. For authorities from abroad who are assessing the case of a migrant child and potentially preparing the child's return, it can be challenging to identify the appropriate partners in the child's country of origin, when public authorities are not closely involved. The role of central authorities, as are in place for instance in Lithuania and Romania, can facilitate the establishment of contacts across borders and put in place safeguards in transnational and national procedures.

Youth policies for children on the move in support of their transition into adulthood and independence

In many countries, unaccompanied children who do not qualify for refugee status are granted leave to remain up to the age of 18 years old. The age of 18 becomes then a rigid cut-off for children who transition abruptly from looked-after children to adults whose asylum claims have been rejected and who have to leave the country.

The discussions during the CBSS expert consultation series have come to the conclusion that granting leave to remain up to the age of 18 cannot be considered in line with the Convention on the Rights of the Child. The Convention affords that the best interests of the child with regard to stay or return are being assessed individually for each child. Taking decisions about the return of unaccompanied children is considered politically sensitive and this might be one of the reasons why public administrations are reluctant to take decisions over return. When children are given leave to remain, there are little chances that they benefit from meaningful care planning with consideration for their longer-term development. Instead, their cases appear to be 'administered' for an interim period prior to the imminent return at 18. Many children suffer from depression and feel disempowered by the time-limited regularisation of their stay. Experience and evidence show that there are doubts as to whether this practice can be considered dignified and rights-based for the person concerned, while there are also doubts about the cost-efficiency from the perspective of the state.

When a child does not qualify for international protection and is granted leave to remain until 18 years old, transnational contacts are not usually established with the child's origin country during the waiting period. It is only after the child's 18th birthday that the return process is being initiated and the young person is then treated as an adult who is no longer entitled to special support and protection.

Child rights advocates who support asylum seeking children during their stay in the host country witness the risks that young people are facing when they are "ageing out" at 18. Once all appeal rights have been exhausted, advocates have very often exhausted also their legal means to

support the young people if not with regard to the return process. In many cases where immigration authorities consider the return to the home country 'safe', the young person concerned does not share this assessment. Many children and young people choose to leave the reception centres upon turning 18 and prefer to stay in Europe as undocumented migrants, often in highly precarious situations, over the option of return.

It is however particularly this group of young rejected asylum seekers and returnees who would benefit greatly from longer-term support and follow-up monitoring. It would therefore be useful to consider how the care arrangements and support services for this group could be planned in cooperation with relevant institutions or organisations in the countries of origin in order to develop a longer-term perspective and support for the child's safety, well-being and development and the transition into adulthood.

Unaccompanied children who are staying on leave to remain up to the age of 18 years old are living in a highly fragile situation. Their situation is drastically different from those who are looked after in the national care system and for whom after-care is made available in many countries up to the age of 21 or 24 years old. The introduction of the concept of 'youth' and specific **youth policies in support of the development and empowerment for children and young people on the move** has been called for.

Youth policies commonly focus on measures promoting the development and empowerment of children and young people and support for their transition into adulthood and economic independence. The prevailing focus on child protection in policy responses and services for children on the move has taken away the attention from the essential support to the development of their capacities and resources. Children on the move might therefore be deprived from the benefits of youth policy support as they are absent from their home countries where they might have access to these kind of support measures, and excluded due to their immigration status from youth policy support in destination countries. Countries of origin and destination could achieve an important impact to the empowerment of these children and young people if they ensured **more continuity in access to youth policy support for children on the move**.

Judicial control over administrative decisions

Judges have an important role in exercising judicial control over decisions taken by administrative authorities, including decisions concerning the best interests of the child. **Judges can interfere with administrative decisions when they have doubts about the legality of the decisions taken, the process for arriving at these decisions and the reliability of the underlying facts.** In controlling the decisions taken by administrative authorities, judges limit themselves to the legal aspects and consider whether a decision was taken in a regular way.

In the Netherlands, judges have the possibility to apply the provisions deriving from international law directly and can resort to this option when national laws are not fully in line with international standards. The provisions in international law must be clear and directly applicable to judges without a need for further legislative clarification.

With regard to weighing the child's best interests, there are general clauses in administrative law that provide that every administrative authority is obliged to consider the best interests of the child, to motivate relevant decisions and how the child's interests have been taken into consideration. These provisions need to be understood and applied in light of human rights treaties, in particular the European Convention on Human Rights and Fundamental Freedoms and the EU Charter Article 24 on the rights of the child, as well as other relevant European Union law and regulations concerning the rights of the child, in so far as they are suitable for direct application. In addition,

special treaties can be applied such as the CRC and in particular CRC Article 3, which states that the child's best interest should be a primary consideration in all matters concerning children.

Dutch courts applied the judicial review of administrative decisions in relation to the expulsion of a family to Angola. The woman had arrived in the Netherlands in 2001 with a 2 year old child. She had two more children who were born while she was staying in the Netherlands, in 2002 and 2008. The woman had applied for asylum in the Netherlands but received a negative decision and her appeals were rejected. The authorities tried to expeditiously expel the mother and children and in this context ordered a limited pre-removal detention of the mother and children. According to Dutch law, a person who does not have a right to stay in the country has an obligation to leave, to take measures to this end and to actively cooperate with the authorities in the return process. The mother did not cooperate in her return. She had been warned repeatedly by the Dutch authorities that her situation was not sustainable and that the limited support for reception and financial aid that she received during this process would eventually end. The authorities decided not to apply to the Ministry for an extended period of care and aid, but took recourse to the civil court system to apply for an injunction to end the support services that the woman and her children were receiving at the moment.

The district court that tried the case first rejected the claim for continued reception facilities and financial care on the grounds that the primary responsibility to care for the children and safeguard the best interests of the child was with the parent who had the legal duty to cooperate with the authorities for her return to Angola. The decision was taken on the grounds that the international treaty provisions did not provide specifically for a right to reception facilities and financial care in the situation that the woman was in, having had several asylum requests judged and rejected.

The Appellate Court, however, granted the claim and ordered the state to continue support and reception until the children reached majority, as long as the children were in the Netherlands and as long as other means of support were not granted. The court said that it was not illegal to end the reception facilities for the adult woman but it was for the children under the care of the mother. It referred to Article 8 ECHR on the right to family life and private life. The state had an obligation to protect the child if the parents did not do that and that the children were not accountable for the mother's lack of cooperation with the authorities in her own expulsion. The children were very young and it was not established that the children would be adequately cared for after finishing the reception arrangements. The court said that adequate care for the children could not be guaranteed after the reception facilities ended because no authority would then have the legal duty to track the family and monitor the situation of the children. An intervention by the youth protection authorities would mean that the children would be taken away from the mother. Weighing the interests of the children against those of the State leads to the conclusion that this was disproportionate and therefore not justified. The Supreme Court upheld the decision of the Appellate Court. It considered CRC Art. 3.1 as well as the European Reception and Return Directives.

In testing the regularity of administrative decisions, judges will rely on rules that are specific rather than general. Judges will allow the administration more space for deciding in cases where the legal framework is less specific. ***Given the broad and general wording of the provisions referring to the rights and best interests of the child, these provisions may not be directly applicable and the judicial intervention will tend to limit itself to only the most extreme cases.*** Against this background, in many cases concerning children's rights, the judicial review of decisions will most likely not interfere with administrative decisions, but where it happens, policy makers will most likely make changes to the legal and policy framework. That means it is a means of control, we cannot do without it but cannot fully rely on it also.

Monitoring after return

The immigration authorities in European states have thus far concentrated on the assessments and procedures in preparation for the return of asylum seeking children whose claims have been rejected. There has been less attention to monitor the impact of returns on the children concerned, the families and communities, and the follow-up services provided. The European Commission has financed the development of a methodology and a tool to monitor the situation of children after return. The methodology and tool have been developed by the HIT Foundation and partners, based on a model for the best interests assessment developed previously by the University of Groningen in the Netherlands.⁵

The monitoring tool assesses the well-being of the child, the economic situation of the parents and the longer-term development of the child. The tool has been tested with children who were returned with their families from EU Member States to Kosovo. **It is expected to generate valuable knowledge about the impact of return policies and practices as well as structural learning for reform.** The application of the tool is not costly, which is an important factor when considering to roll-out the tool at a larger scale. In the pilot that has been rolled out in Kosovo, the costs amounted to approximately 200 Euro per child over a two year period.

The best interests assessment model developed by the University of Groningen is based on the Convention on the Rights of the Child and has translated all its articles into 40 conditions that tell something about the child's living situations and development, the family situation, social networks, economic situation, education, health and other areas. In the Netherlands, this best interests assessment model is already in use in practice, for instance by judges who want to know more about the situation of a child and family.

The monitoring tool has translated these 40 conditions into 4 questionnaires to assess the status of the development of the child in the context of his or her environment after return. The questionnaire can be completed in 2.5 hours. It includes an interview with the child, a self-assessment by the child him- or herself, and other information gathered from the family. The information and responses are then cross-referenced and analysed to indicate the chances that the return and integration of the child will be sustainable in the future. The information that has been gathered through the administration of these questionnaires was also used to develop quality standards for the situations that children are returned to, for instance with regard to living conditions, health care and education.

Guidelines on the determination of the best interests of the child in transnational cases and return

The speakers and participants noted that numerous sets of guidelines had been developed to guide professionals working with and for children on the move. Case workers assessing the asylum applications of unaccompanied children have access to guidelines on best interests determination and for determining whether or not a child has grounds for international protection, among others. In Sweden, the guidelines for receiving unaccompanied children and assessing their claims are perceived to be strong and useful for the case workers. The chapters on return, however, are considered to be less detailed. The discussion among participants revealed an impression that there is more profound knowledge and understanding of the case management process while the steps and safeguards related to the return process have been less developed. The discussion concluded that the same level of priority and detail needs to be achieved in guiding

⁵ For more information see: HIT Foundation, *Monitoring of Returned Minors*, available at: <<http://hitfoundation.eu/projects/monitoring-of-returned-minors/>>, accessed on 24 September 2014.

the return process and that this can significantly enhance the safety and well-being of children throughout each phase of return.

The Children's Rights Bureau in Stockholm, Sweden, offers legal counselling and advice to unaccompanied asylum seeking children. Some of the children they have been in contact with have made very positive experiences with case officers in the immigration authorities. Others, upon the prospect of returning to their home countries, had to face comments from the officials that have not been helpful for the children and young people to cooperate and to trust. Some of the most discouraging citations from officials on why the child or young person should not worry about returning were, for instance, the following:

"The fear is only in your head." – Said by a border police officer to a young boy who had to return to Iran.

"See it as a holiday or like you're going on an exchange programme." – Said to a boy who was to be sent back to the DRC.

"Everyone in Africa has extended family." – Said to a boy whose family and extended family had been killed and who had to return to Guinea.

These citations, as related by the child clients of the Children's Rights Bureau, suggest that attitudes, mindsets and the capacity to communicate with child asylum seekers or returnees are all areas that may not yet have been addressed effectively by the relevant guidelines and training programmes for case officers. More investments may be required to ensure that the quality of the relation between the child and the case officer is given more attention in ensuring high standards of case management.

The Children's Rights Bureau recommends, based on their experience, that the existing guidelines for case management for child asylum seekers are being adhered to. This would imply that the return proceedings are started early in cases where return is considered safe and in the best interests of the child. Where this is not the case, children should continue to receive protection. The child and his or her feelings need to be respected throughout the procedure and each individual case needs to be followed-up after return.

As part of the Protect Children on the Move project, ***the CBSS Children's Unit and partners will develop guidance on how to safeguard and promote the best interests of the child in transnational protection cases.*** The guidance will be informed by the outcomes and learning from the expert consultation series. They will deliver concrete and hands-on advice that is easily accessible for different groups of professionals working with and for children in transnational situations, including policy makers, public officials, social workers and case officers.

Added value of a genuine transnational perspective to case management and care planning

Concluding from the discussions, the participants identified some factors that could guide towards a genuine transnational perspective in care planning and case management for children on the move. There is a need to raise more awareness of the ***shared responsibility between countries of origin and destination*** to work together in handling the cases of children on the move. It is important to ensure that ***national child protection systems are effectively connected across borders*** in order to strengthen their capability to offer ***continuity in care planning and case management for children on the move.*** Positive examples of cross-border cooperation in best interests assessment and determination, such as the experience shared from Albania, could be scaled to target all children in transnational situations. Funding support to the social services' capacity in countries of origin would be essential to make transnational cooperation in case management and return more rights-based, effective and sustainable.

Central authorities can make a significant difference in facilitating cross-border cooperation and providing supervision and oversight. Central authorities need to be established where they are not yet in place and equipped with a strong and broad mandate that allows them to work effectively with all transnational cases involving children. Central authorities are first contact points for authorities from abroad who are seeking information and cooperation in relation to transnational child protection cases. It would be important then to ensure that all cases are referred through central authorities.

Cross-border cooperation and services offered to children on the move should not be limited to protection measures but ensure that children benefit from a **continuum of services for prevention, protection and empowerment**. The Convention offers the basis for such services and a common platform for the cooperation between different agencies. It can guide not only child rights and protection services but also law enforcement and migration management and align their different agendas to **more coherent policies guided by the principles and rights afforded under the Convention**.

In responding to children on the move, it would be important to promote a mindset change from 'administering a problem' towards more proactive and empowering measures. Policies and practice, specifically in relation to case management and care planning, need to evolve from considering children on the move primarily as vulnerable individuals towards also **recognising and promoting the opportunities, evolving capacities and resources that these children offer**. This can constitute an entry point for understanding and fostering the linkages between migration and development, from a child-centred and rights-based perspective. **Investing in the development of children and young people on the move** and their potential to support the development of their communities and nations can lead to a different perspective on children and young people on the move in the future. This debate is relevant for the European perspective, including the internal and external dimensions of the EU, and the global debate on the post-2015 sustainable development agenda.