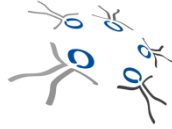




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**CHILD CENTRE**  
Expert Group for Cooperation on  
Children at Risk, EGCC



# **Child Exploitation – Cross-National Child Protection in Practice**

## **‘PROTECT Children on the Move’**

### **Fifth Expert Meeting**

**Reflections from the Expert Meeting Series**

**Children’s participation and discussion of the way forward**

**Stockholm, Sweden**

10-11 March 2015

**Summary Report**

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## **Background and introduction**

In January 2014, the Council of the Baltic Sea States (CBSS) Children's Unit and partners launched the PROTECT Expert Meeting series. Since then, almost 250 participants and experts have joined the process. They included high-level officials and professionals from national governments, state authorities and European institutions, UN Agencies, national and international organisations and the academia, from CBSS Member States, the broader European region and beyond.

The "PROTECT Children on the Move" project is funded by the CBSS and the European Return Fund. The CBSS Children's Unit is coordinating the project implementation in collaboration with the Latvian State Border Guards, the Lithuanian State Child Rights Protection and Adoption Services, and the Stockholm Social Emergency Authority in Sweden.

The initiative aims to identify child rights standards, good practices and key agencies responsible for protecting children on the move. Children on the move are particularly at risk as exploitation, trafficking and abuse can take place at any stage of the migration process. Many of the children are deprived of the protection from their families, social networks or state protection systems, especially when moving alone or without the required travel documents. When children return to their countries or origin or are transferred to another state, there are also specific risks of exploitation and abuse involved. Safeguarding children in decision making processes about return, during return and through follow-up is therefore essential to prevent (re-)victimisation. The expert meeting series has shown that this constitutes a challenge and that there are still many protection gaps with regard to returns.

The PROTECT project will result in a package of inter-related products: a report from the expert meeting series, guidelines on the human rights and the best interests of the child in transnational situations, and a 'wiki' as an online tool outlining relevant laws, policies, mechanisms, initiatives and contacts for transnational child protection. The objective is to produce "living outcomes" and to ensure that they continue to be useful and used beyond the project's duration.

The CBSS Children's Unit and the Nordic Council of Ministers will jointly promote the project outcomes further in the Baltic Sea Region, specifically by facilitating a training programme on the basis of the guidelines and the online tool. The training will be conducted as a "train the trainers" course with participants from immigration and social welfare authorities, police and prosecutors, judges, border guards, NGOs and other relevant professional groups working with and for children on the move. The participants in the training sessions will discuss risks of child trafficking and exploitation in the context of migration; they will be trained in working with a referral mechanism among different stakeholders and actors and will use the guidelines and the wiki to this end. The training programme will be rolled out between 2015 and 2016.

One of the long-term priorities of the CBSS is a safe and secure region. The themes related to children on the move, the exploitation and trafficking of children are directly related to this aspiration. The expert meeting series has offered important opportunities to gather the expertise of professionals from across the region and beyond and to engage in a dialogue across countries, sectors and disciplines. The CBSS Secretariat is taking the outcomes and learnings from these processes to the highest political levels, in alternating biannual meetings of ministers and heads of governments. The outcomes of this expert meeting series and the related processes will therefore

contribute to the political dialogue in the region. Overall, these experiences and inputs contribute to strengthening the evolving regional identity and social inclusion throughout the region.

## **Key note speech, comments and practices: A human rights perspective on the rights of all children on a state territory irrespective of their migration status**

### **Human Rights of Migrant Children**

#### **Kerry Neal, Child Protection Specialist, UNICEF Headquarters, New York**

When children move across borders, alone or accompanied, they are often facing numerous challenges of accessing services and enjoying their rights. This is in conflict with the standards afforded under international human rights law, including the Convention on the Rights of the Child (CRC), which affords all the human rights to children, including social, economic and cultural rights.

The CRC Committee asserts that the enjoyment of these rights is not limited to national children but has to be extended to all children regardless of their status, including asylum seeking, migrant, undocumented and stateless children. The Committee of Economic, Social and Cultural Rights has affirmed that the nationality is not a ground to deny access to these rights. Despite that, children continue to not access a range of rights while in countries of destination, especially when moving undocumented.

Under Article 2.1, the CRC affords that “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”. The explicit language of CRC Article 2 states clearly that national status and origin is not a reason to deny children their rights. The CRC is reinforcing the language of the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights.

The right to non-discrimination is therefore firmly established in international law. In light of this strong international legal framework, migrant children should not face any difficulties in accessing health care, school and social assistance but in practice, there continue to be challenges and obstacles.

Although the CRC is the most widely ratified human rights treaty, many states parties have made reservations or declarations, some of which concern also Article 2. Belgium, for instance, has lodged a reservation against CRC Article 2.1, which states the following: “... according to the interpretation of the Belgian Government non-discrimination on the grounds of national origin does not necessarily imply the obligation for States automatically to guarantee foreigners the same rights as their nationals. This concept should be understood as designed to rule out all arbitrary conduct but not differences in treatment based on objective and reasonable considerations, in accordance with the principles prevailing in democratic societies”. Reservations lodged by other states may differ in wording but essentially are giving a very similar message of reserving the possibility to treat non-national children differently. In practice, migrant children, and particularly undocumented migrant children, cannot access services to the same degree as nationals do in many countries.

The right to health care, for instance, is often restricted for migrants, particularly those who do not have legal residence. The same applies for access to education. In addition to formal restrictions, there are often practical limitations that hamper the access of non-national and undocumented children.

There are however also differences in the way that specific groups of children on the move access services. There seems to be a distinct difference in the resources, political capital and guidance allocated and available to children victims of trafficking and children in the mainstream of migration channels. Children who have been identified as possible victims of trafficking have access to a range of services, including coordinated assistance and referral mechanisms that other migrant children might not have access to. States have ratified a range of international and regional standards on assisting victims of trafficking that oblige them to invest in this area. In the European region, for instance, the Council of Europe Convention on Action against Trafficking in Human Beings provides for specific rights to assistance of child victims of trafficking, including access to education (Article 12).

Children, who migrate independently, specifically unaccompanied migrants, are often exposed to the same risks and dangers that anti-trafficking campaigns have identified to cause the harm of trafficking, including violence, abuse and exploitation, separation from family, being deprived of opportunities for education, health and development. Yet, children who are not identified as victims of trafficking do not enjoy the same rights of access.

An important question to consider is, to which extent states' implementation of national or international policies might contribute to impeding access to services for certain groups of children, such as depriving opportunities for the child's development.

With regard to the access to education as an example, the difficulties of ensuring that non-national children have meaningful access to education are obvious. All over Europe, local authorities receive migrant children and there might be hundreds of new arrivals every year, some unaccompanied, some accompanied by families. The children come from many different countries of origin and speak even more different languages, have different educational backgrounds, performances, perspectives and motivations. To provide continued school education for such a diverse group of children is challenging, especially in a new culture and language, and when it might be only for a few weeks of time before the child moves on, is transferred or returned. Supporting these children in their integration into the local school at the place of arrival involves many practical challenges while it is also key to their integration. Denying education to these children has implications for the individual child and for the society at large.

There are similar challenges with regard to access to health care. Almost all European countries ensure access to emergency health care for undocumented migrants. A study on health care for migrants in European and Nordic countries assessed the access to health services and revealed notable differences in access and entitlements. In Sweden for instance, the children in undocumented migrant families might have better access to health care than their parents. In many countries, undocumented children have access to free emergency health care but administrative or informal barriers might complicate or hinder the access in practice. In addition, voluntary services are often provided by private health care services. At the same time, all countries under study ratified the CRC and removed their reservations so that access to health care should be guaranteed in

practice. The difficulties related to access and restrictions on undocumented migrants might leave medical professionals with extremely difficult choices.

Considering the current situations, the debate leads more and more from contention and containment regimes of immigrants who lack a residence permit towards community-based assessment and placement models, which greatly increase the opportunities for migrant children to access health care, education and social security. They are also considered more rights-based and dignified, while being cost-effective for the state. Community assessment and placement frameworks start from the presumption that detention of persons on grounds of their migration status is not necessary and that alternatives to detention should be explored. Each case is screened and assessed individually. The community context is assessed in order to understand the individual's placement in the community and to identify any support mechanisms needed so that the person remains engaged in immigration proceedings. Conditions for release from immigration detention can be applied, if considered necessary, such as an obligation to report regularly or supervision arrangements.

Some countries have moved further by enshrining non-discrimination language for migrants into the legislation. In Argentina, for instance, the national law states clearly that a person's migration status cannot be used as a reason to exclude migrants from accessing services such as health, education, justice, labour, employment and the social sector. Rights to social services, education and health care for undocumented migrants have been enshrined into the Migration Law (No. 25.871, 2004).

OHCHR, UNICEF and the World Bank are presently collaborating on an initiative to measure the access of migrants to basic human rights. The Global Knowledge Partnership on Migration and Development (KNOMAD) is envisaged to be a global hub of knowledge and policy expertise on migration and development issues. It draws on experts from all parts of the world to synthesise existing knowledge and generate new knowledge for use by policy makers in sending and receiving countries. The KNOMAD activities are organised through 12 Thematic Working Groups, among which one focuses specifically on migrants' rights and social aspects of migration, including the access of migrants to health, education and decent work. The thematic groups have been tasked to develop human rights indicators for migrants and their families. These have been developed through a series of consultations between the implementing agencies. As an example, the indicator on access to education includes structural, process and outcome indicators. Together, these indicators will allow a more comprehensive measurement of the relevant laws and policies, their implementation into practice and the outcomes for children and families.

### **Unaccompanied children sharing their views with the Children's Ombudsman in Sweden**

The Swedish Ombudsman for Children is mandated to listen to children and to citizens more generally, to monitor the activities of public authorities and to advocate for children's rights and their implementation in practice. Each year, the Ombudsman's Office selects one focus area for the thematic annual report. Several of these thematic studies are relevant for the situation of children on the move in Sweden, including with regard to children placed in alternative care, residential institutions or closed institutions. Unaccompanied children are placed in child care institutions in Sweden and fall under the responsibility of the general child protection services.

One of the Ombudsman's annual reports focused on alternative care for children and is based on consultations with children and young people living in care homes or foster homes. Among them,

there were also children and young people who had arrived in Sweden unaccompanied and who had lodged an application for asylum. A recurring problem that many of the children and young people spoke about was that they felt lonely and that they did not feel that their views were taken into account. Many reverted that it took a long time for them to be appointed a trustee or guardian, and even when such a person had been appointed, they could not easily talk to that person because there were no interpreters. Education was an important issue for the children and young people. Some children said they had limited access to education and that they could go to school only a few days per week. Others felt that education was not tailored to their needs or that it was too advanced for their personal levels. The children and young people spoke also about their accommodation and recommended that the places should be adapted to their needs and offer care and safety.

The following are some excerpts from the children's statements:

Sara spoke about how lonely she felt being alone in a new country and missing her parents. The institutions that host unaccompanied children are often located in remote areas, far from city centres, and were not initially designed for unaccompanied minors but for children with so-called behavioural problems, drug or substance abuse, or children involved in criminal activities. For unaccompanied children who feel lonely and who would like to make friends and to have social contacts, it is difficult to be located in these remote institutions. Sara explains that she has many questions and feels very anxious but she is not getting the kind of support that she would need in order to cope with this.

Abdul explains that it is difficult to ensure that all children enjoy the same rights, regardless of gender, and that they are treated as individuals. Children should not be considered the same simply because of their common country of origin. He said, "My religion and culture do not accept that people are different. I thought about committing suicide and for the sake of my life and freedom, I came to Sweden. My message to the responsible authorities is to increase awareness in schools about the diversity of people and that all have the same rights". Abdul did not feel safe in the institutions where he had been placed especially because he felt threatened there. His statement shows how important it is to talk and listen to the children and to make sure they feel safe where they are.

When Karim applied for asylum, the interpreter could not help him to explain his story. He got a Farsi interpreter although he would have needed an interpreter for Dari. When he asked for another interpreter, the interpreter got angry with him and said, "You know Farsi". Although Karim could speak and understand a little Farsi, he felt it was important that he managed to express what he had to say as there were many complex issues and the details might matter for his asylum application. Karim said, "I was happy to start school and to see a psychologist who helped me and everything was getting better and I was getting more hopeful. At the first day at the Migration Board, I have had difficulties with the interpreter but apart from that, things have gone well. I think it is very important to have the right person to support you."

The conversations with the children and young people reveal how fundamentally important relations are. The persons whom a child meets and interacts with and who might offer support, and the type of relations that a child has with the people around him or her, can make a difference for a child to feel safe and secure and to gain trust.

Yamir was happy with his guardian and trustee who had been appointed for him when he arrived in Sweden unaccompanied. When his parents came to Sweden as well, he lost his trustee as the reception system foresees that trustees are appointed only to unaccompanied children. For Yamir,

losing his trustee caused a major fraction and changed his situation dramatically to the worse. He said, "I heard my mother's voice all the time, 'where are you, I need you here beside me'. I was given everything but I was sad, I felt like a bird in a cage, my trustee was a helpful person and was like an angel to me. He had helped me but I lost him when my family was on their way here and then everything changed. After two years in Sweden, I was doing well in school. Now, there is only one thought, will I be able to keep the trustee when my family is here? Who will help me? My mother cannot help me here, she does not know the language. It feels unfair. I don't know all these things to help my family as good as my trustee did."

The children who have met with the Ombudsman for Children express how extremely important it is for them to have an education. They wish to integrate into the society, learn about Sweden, meet and interact with their Swedish peers. School is important also to get out of the often isolated locations that they are placed in and to make contacts and exchange with peers.

Josef told about the difficulties of learning and getting a quality education. He said, "I am in the classroom again and the teacher is off sick again. There is no substitute teacher, so what will I do today, I will learn nothing. But I want to learn, I want to go to school. My dream is to be an engineer. How will I manage that when I feel I cannot progress at school? I started in the language introduction programme and for me it would have been possible to continue with school and to learn. I am motivated to go to school but I lose interest when it goes slowly. I wish that the school system was more adapted to the needs of the pupils. My second lesson, it is 10 o'clock, the teacher is sick, there is no substitute."

There are a lot of good aspects about the Swedish reception system, but there is more that can be done. Unaccompanied asylum seeking children are hosted in special accommodation centres, residential institutions and in foster care but these are not always adapted to their needs and special situations. There are deficiencies in the education system as there is currently no system in place to ensure that asylum seeking and refugee children are duly followed-up and to monitor the kind of support they receive. 5-10% of all unaccompanied children arriving in Sweden every year 'disappear' and the authorities do not know where they are. Institutions and authorities need to work together when children disappear and need to cooperate also in order to prevent them from disappearing.

There is still a lack of child-friendly routines that help to identify risks, including risks of exploitation and trafficking. If the system was really child friendly, it could be possible to identify children who are at risk of exploitation or who might 'disappear', and to intervene in time.

### **The right of every child to social allowances: Experiences from applying the best interests' principle in Malmö, Sweden**

Many non-national children have fallen outside the ordinary social welfare system that is usually available for asylum seeking children. This may be the case when the child has dropped out of the asylum system, when a child has received an expulsion order or has never even applied for asylum. The general social welfare allowance available for citizens in Sweden can, however, be granted to migrating children and they are entitled to it.

There is a series of court rulings that correctly interpret EU law for the Swedish context, but some readers might not understand the implications of these rulings for social welfare allowances. The Swedish Social Services Act is clear on the rights that the non-national children have. The Swedish



Supreme Court ruled specifically on the rights of undocumented adult migrants. Municipalities are not necessarily aware of the relevant case law although they should be.

Social welfare allowances offer an important safeguard to make sure that every person is provided with reasonable living conditions. In addition, the state provides also emergency assistance as a final safeguard at an even lower threshold. Emergency assistance is targeted at persons who do not meet the conditions for receiving the 'normal' allowance, to make sure that their basic human needs are met.

Persons who have been issued an expulsion order and who do not collaborate in their expulsion, for instance, are not entitled to the social welfare assistance but they do have a right to receive emergency assistance to cover their basic human needs. Generally, there is a perception that an emergency situation is short-term. But how should the social services react, when the emergency situation continues, maybe even for years. The emergency situation does not become less acute when it is prolonged, rather the opposite.

When a child is staying in Sweden without a status that qualifies him or her for receiving the general social welfare allowances, the child's situation is being assessed. There are minimum standards that apply to every human being, but the needs of children are different in many ways from the needs of adults. This has to be taken into account when the need for social welfare assistance is being determined. Children might be in the country also because of the actions of others, for instance decisions taken by their parents. A child might not be prepared as well as an adult to demand his or her rights. But children do have certain rights under the Convention on the Rights of the Child and it is the responsibility of the state and the municipal authorities specifically, to safeguard these rights. According to these standards, the municipal authorities conduct an individual assessment of the child's situation and needs, provide for the minimum standards with due consideration to the best interests of the child. It is in the best interests of the child to enjoy equal treatment as children who are receiving 'normal' social welfare assistance.

Even though children and families are granted social allowances that should enable them to live in reasonable conditions, they do face challenges of meeting that standard in practice with the limited allowances they receive. Children should reach reasonable living conditions. For children in Malmö, the level of allowances is therefore not lower but is kept the same for all children in need of allowances. This is an interpretation of best interests' principle so that a child staying without residence permits gets the same allowances as a child with a residence permit. This measure aims to respect the human rights and dignity of the child. The child does not only get a shelter but a reasonable accommodation, additional allowances for clothes or leisure time activities.

It would be important to promote these kind of measures throughout the country in order to enable a more uniform implementation of international, European and national laws by municipal authorities. It would be useful if there were clear guidance from the National Board of Health and Welfare. In addition, persons who are denied assistance need to appeal against decisions so that there is an evolving body of case law to build the case and clarify the legal framework.

## **Children's experiences and needs in focus**

### **Children's needs in focus (BBIC) – A safer way to protect and support children**

Unaccompanied children who apply for asylum in Sweden are placed in municipalities all over the country. It is a big challenge for the local social services to look after these children and to do the required assessments. In Sweden, social workers work with the BBIC model (Children's Need in Focus) that guides them through the assessments they need to make regardless of whether the child is a Swedish citizen, a migrant or asylum seeking child. BBIC offers a clear framework for assessments and decision making by social workers. The model is visualised as a triangle with the child's needs at the centre and three main sides: the child's development, the parenting capacity and the family and environment. The overall purpose and vision of BBIC is that children in need of social services must be guaranteed equal access to services and rights and therefore equal opportunities in life as other children who are not in need of social services.

For unaccompanied children the family-related areas are difficult to assess because the family is not present. But social workers can ask the child how it has been to grow up with the parents and the family. Initially, the main source of information is the boy or girl. After a month or two, the social worker can start getting information also from the teachers, staff at the accommodation centre or others in contact with the child to get a better picture of the child's needs.

The BBIC model is guided by key principles and objectives: The most important is to involve every child and his or her family during the whole process. So the first step is to give information and be sure that the child has understood the information. The child's views need to be sought and recorded in all processes that affect him or her. Interpretation can be offered over the phone or in person.

Even if the parents are not in Sweden to talk to, the social worker can, together with the child and as soon as possible, contact the parents or other relatives. Studies have shown that it is beneficial for the child and the care process, if the social worker or care staff get in contact over phone or skype with the child's parents, with the child's knowledge and consent.

The BBIC model attaches great importance to the cooperation with other professionals around the family, under the leadership of the social services. The law provides that if social workers call for cooperation, the other authorities have to cooperate. This might imply that the social worker involves the school, the healthcare staff, the foster family or care staff of the institution where the child is living.

The principal objective of BBIC is to transform the CRC into practice. The National Board of Health and Welfare started the implementation of BBIC in 1996 and the evaluations demonstrate that it has helped to improve the practice. BBIC promotes also a stronger evidence-based practice. Social workers should learn from research, from good practice examples and from experience and the views and information from the children and the parents are also important in this regard.

BBIC provides a uniform national structure for information management and systematic follow-up. Working with the BBIC model requires a good IT system, which helps social workers to extract the data, to register the right set of indicators and statistics and make all assessments in a timely manner. This systematic follow-up is very important to ensure a uniform process in case assessments and management. The BBIC model and the related processes can be used in all steps of social

casework, from starting a case, making assessments, decision making, planning follow up and closing a case.

The National Board of Health and Welfare is responsible for quality assurance and updating of the model as well as education of local BBIC trainers and BBIC focal persons, who are usually the front line managers. There are 28 regional coordinators of BBIC in Sweden. They support the local staff and trainers, and they have networks at the local and regional levels.

Recently, the National Board of Health and Welfare has complemented the BBIC model and developed a new version with more adjustments for assessments specifically for unaccompanied children. The National Board developed also a special book and guidance for social workers on how to work with unaccompanied minors and piloted the new model with social workers throughout the country. The feedback received was largely positive but nonetheless, it remains challenging for the social workers to use BBIC due to the high caseload they have to handle.

### **Empowering children through information, trust and role models**

Access to information is critical and generates opportunities for children on the move. The differences between municipalities and how unaccompanied children are received there, have an impact on the opportunities that children have access to. Many of the children are not in the position to understand their rights, but they have the same rights as children born in this country. Sometimes the information they get is not the information that they need. It could make a difference if someone asked them first what kind of information they need.

Children need at least one person to trust and to turn to. It is not easy when they have no one to trust, especially because many children are in a difficult situation and it is difficult for them to gain trust. Some immigrant children think that no one cares about them because they have no one to turn to. In order to gain trust, they need someone who shows that he or she cares for them, who listens and acts to make a change based on the child's views and recommendations.

It can be very helpful for fostering trust and confidence in children when they have a role model. The organisation Voices of Young Refugees in Europe mobilises different persons who could act as role models for unaccompanied children and sometimes the children ask for other role models whom they can identify with. Role models are important to help children integrate, to develop life projects and to feel motivated.

### **The 'best interests' at turning 18: Children's decisions to 'go in hiding'**

The Stockholm based Children's Rights Bureau works with children and young people up to 21 years of age. The NGO offers social and legal support and guidance and helps the children in accessing services and getting support from society. The Children's Rights Bureau has spoken to young people about the reasons why they leave without informing the authorities of their whereabouts and what happens then. The children and young people are facing dilemmas and have to make difficult choices, often with very little support.

In 2014, 374 unaccompanied asylum seeking children were missing in Sweden. Only 58 of them have come back into contact with the authorities. The issue has received a lot of attention from different authorities in Sweden. The Children's Rights Bureau studied seven cases of children who received the final negative asylum decision when they were between 14 and 17 years old. They

contacted the NGO at a point when there was little hope to solve the situation and panic was setting in. None of the children understood their asylum decisions. The Migration Board does not explain the decision to the child and since so many persons and officials are involved, it is not clearly regulated who does that. The children's guardians and legal representatives are not all equally qualified to explain the procedures and decisions to the child in a way that the boy or the girl understands. In none of these cases did the child have a family network they could return to. It was not possible for the child to make successful contacts in the country to which they were to return, mostly that was either Somalia, Afghanistan or the DRC. These are all countries where it is not easy to return children to safely. The Swedish guidelines on return, on the other hand, are quite outspoken that return has to be safe. Yet, none of the children felt that they had been given a realistic offer of safe return. Currently, six out of the seven children are missing and one is awaiting his 18<sup>th</sup> birthday.

Some children said that if they had been offered opportunities and support for assisted and supported return with reintegration support, they might have considered that, but none of the children had been offered such assistance. The children need more options and viable alternatives to choose from.

Upon turning 18, the children are often told by social services that the accommodation will end, they will not longer be assisted by a guardian, they will be called to meetings with the Migration Board to talk about return, and they do not have legal representation any more. All of that has massive implications for the child's life and health. This is the point where many children make their own best interests' determination and they go 'into hiding'. They assess that 'going missing' is safer for them than return. Some of these children and young people continue to remain in Sweden and live under very harsh conditions but they do not dare to come back into contact with the authorities because of the risk of return. Knowing who the children are and why they decide to 'go missing', gives many clues to learn from how to prevent them from going missing.

There is a gap in Sweden and other countries as there are few services that work with individual children on a rights-based advocacy approach. There are individual services in terms of treatment, for instance, but services of rights advocates that support the child directly are barely accessible for children. The Children's Rights Bureau is filling this gap in Stockholm.

### **An inter-agency person-centred approach: Extending the use of the Children's House model to unaccompanied children**

Asylum and return decisions are made within the framework of international, European and national law and human rights standards. Unaccompanied asylum seeking children are considered an especially vulnerable group and should have the opportunity for a dignified repatriation to the country of origin, a transit country or to another third country. The Government of Sweden has stated in appropriation directions to the Swedish Migration Board and the police authority that the repatriation process requires to be conducted effectively, which means that more repatriation cases must be processed in comparison to the previous year's statistics. The migration authorities are responsible for organising returns. They have to ensure dignified returns and effective operations. How is it possible to combine these two aspirations?

Research conducted by the University of Umeå with funding from the EU Return Fund looked into this dilemma and studied how effectiveness and dignity are being balanced in the deportation of rejected unaccompanied asylum seeking children. The study was planned and implemented by an

inter-disciplinary team with partners from different university departments, including political sciences, police education, social work, as well as global health and epidemiology.

The study had the following objectives: The first objective was to explore how authorities such as social services, police authorities and the Swedish Migration Board collaborate amongst each other and with unaccompanied asylum-seeking children in the repatriation process. The second objective was to investigate the job demand and control of social workers and police officers as well as psychosocial and general mental health implications of working with forced repatriations of rejected unaccompanied asylum-seeking children. The third objective was to understand how the children experience their repatriation. The study gathered data through key informant interviews, a questionnaire and consultations with unaccompanied asylum-seeking children.

With regard to the first objective concerning the collaboration of different agencies, the researchers identified different patterns in how the job demands impacted the mental health, motivation and commitment to inter-agency cooperation of officials who are involved with the return of rejected asylum seeking children. The majority of the interviewees were rather reluctant to cooperate with other officials and professionals and distanced themselves from the children's repatriation. The result was a collaboration that was primarily focused on the needs and procedures predetermined by the authority and an attitude of feeling reluctant about collaboration or taking the views of other professionals into account. Only a small sample among the interviewees demonstrated teamwork-focused attitudes towards cooperation, although this group was best prepared to enact a dignified return as envisaged under the Swedish Aliens Act.

The research explored possible reasons why bureaucrats develop these patterns. One possible explanation might be clinical matters. When working very closely with traumatised persons, the professionals and officials can also develop a trauma. Over the years, the experience of working with torture victims can cause trauma also to the professionals and officials who are daily engaged with these cases. In order to prevent that clinical patterns emerge, these staff may need more support and supervision in their work with asylum-seeking persons and refugees. Support and supervision are particularly important in order to understand what is in the best interests of the child. When staff do not receive this kind of support, they may react by distancing themselves as a self-protective behaviour. This process of taking a distance is however harmful to the interaction with the child and to the inter-agency collaboration.

The study revealed that many of the children turn into angry teenagers and 'fighters' when they are forced to leave the country and they have to make very hard decisions. This bears many risks for the children's further development and roles in society. Unaccompanied asylum seeking children are surrounded by a number of agencies and authorities. They include the Migration Board, the social services, the legal guardian, the care home, the police, NGOs and others. The research concluded that there is a need for a more holistic and ecological view of the children and their social contacts. It is important to understand how the individual child engages with their direct social environment and contacts, including family, siblings and peers or schoolmates, with the extended family, the neighbourhood and the society more broadly. The child is also influenced by relevant laws, the economic system and situation, social conditions and the history and culture of different places where the child is living and has lived.

When there are conflicts in the child's immediate surroundings, they have an impact on the child's development. Against this background, the study concludes that problems and conflicts between the

different agencies and mandates that are involved in the child's case will also have a bearing on the child and his or her development. Thinking of the ecological system of the child's development can help thinking of a modal for inter-agency person-centred cooperation, where all the different agencies and authorities work together towards a common objective with the child at the centre. This model is already in use, it is the Barnahus or Children's House model where all the different professionals work together under the same roof and assess the case from different professional views. If the system is already in place, why can it not be used also for the refugees and asylum seeking children?

### **Youth on the move: Former unaccompanied minors removed to Afghanistan**

The UK based Refugee Support Network works with children and young people whose asylum applications have been rejected and whose leave to remain is not extended upon turning 18. They are to be returned at 18 or shortly after. These young people face numerous challenges. They have reduced access to support and legal representation in the UK, they are facing the possibility of detention and forced removal and often feel isolated, lacking essential support. They are pushed into a negative decision-making nexus. As there are complex and intersecting factors that make their returns risky, it is very difficult to come to terms with what a safe return could be. Targeted support to these young people is essential.

The Refugee Support Network conducted research into the situations of young people who were deported from the UK to Afghanistan. It is represented in Kabul by a Monitoring Officer and collaborates with the Oxford University on the research design and analysis. The following key questions guided the research: What options are there for the young people upon return, how can they prepare for their time after return and how can they find support?

The preliminary findings suggest that the young returnees in Afghanistan often felt as empty-handed outsiders and were psychologically impacted by the stark contrast between the UK and Afghanistan. They struggled with the severe poverty and insecurity upon return. As many of the young people had spent their formative years in the UK, they were perceived as and felt themselves 'westernised' when they returned. The young returnees suffered from the mismatch between their previous education and the limited options for continued education or employment in Afghanistan. Many of them wanted to leave again but were at risk of exploitation due to the limited options for legal migration. An issue they recurrently mentioned were the problems with anti-government groups who targeted specifically the young returnees.

The situation in Afghanistan is characterised by insecurity and lack of employment, which are the issues that most concern and worry the young returnees. Jobs are usually short-term and often not for payment but for exchange of goods or a place to stay. Many of the young returnees have however not been able to find a job. Finding work without family connections and social support networks is very difficult and many of the young people do not have the personal connections needed to find jobs. The young returnees who, due to security issues, cannot return to their families in the provinces are particularly disadvantaged. Many of the young people have left the UK before completing school education or vocational training. They did not get their final or even interim certificates before leaving, which makes integration into the local education, vocational training or labour market even more difficult. Some have been able to access education and work and had to prioritise work in order to make a living.

Being returnees has led to negative perceptions of them. They are often thought to be very wealthy or westernised, and that makes it even more difficult for them to reintegrate and to find a job. In one case, the family had lend money within the family in order to pay for the boy's trip and then could not repay it after return. For some, the return is tied to perceived shame for not having been able to make it. Some feel like they were wasting their lives.

There are also implications on the mental health of the young returnees. They often demonstrate a deteriorated mental health and trauma related to their return. In that situation, young people often seek to leave again. Many of them say that they would stay if they could find work, if it was safe for them or at least ok to stay here. The feeling of uncertainty leaves them vulnerable to exploitation and trafficking.

**Key note speech: Children on the Move – Towards an integrated approach to respect, protect, promote and fulfil child rights**

**Ioannis N. Dimitrakopoulos, Head of Equality and Citizens' Rights Department, European Union Agency for Fundamental Rights**

Following a request from the European Commission (EC), the European Union Agency for Fundamental Rights (FRA) mapped child protection systems across the EU Member States. The EC is interested to know how child protection systems can be better supported and integrated in the EU. The FRA study assesses how these systems are working for national children but also for other groups of children such as asylum seeking children, children escaping from war or children escaping from poverty.

The FRA research and analysis is targeting specifically children and families who are at risk of poverty and social exclusion. The number of children who are at risk of poverty and social exclusion varies extensively across the EU. In Finland, Denmark and Sweden, for instance, approximately 15% of the children are estimated to be at risk of poverty and social exclusion. In Romania and Bulgaria, the rate is 52.3% and 40.9% in Hungary. A comparison of these figures suggests that the disparities might prompt children and families to move within the EU. Through its structural investment fund, the EU is working towards social inclusion. Meanwhile it is important to take action so that children at the worst end of the spectrum are socially protected.

There is currently no unified definition of a child protection system in the EU. The EU Strategy provides for a definition that covers the protection of children from violence, abuse and neglect but one can look at this also more broadly as the protection of children at risk of poverty or extreme poverty. The EU Strategy is oriented at the definition of a child protection system provided for by the UNICEF Child Protection Strategy in 2008, which refers to the "... set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks".

The FRA implemented the study on child protection systems in the EU in close cooperation with national governments, which provided information. On the basis of the study, the FRA will be working together with the EC to provide common guidelines on child protection systems, and these might inform a common set of minimum quality standards for child protection systems to be developed in the future.

Within the EU, the responsibilities and competencies are divided between the different levels of the Union and the Member States and the national, regional and local levels within each country. Child protection generally falls under the competence of national states, although the EC has a competence on some of the cross-border issues.

The FRA study analysed the national legislative and policy frameworks of EU Member States and the relevant actors and structures in child protection, with the specific competent authorities and service providers. The study identified positive examples of inter-agency cooperation reflected on paper and mapped out the relevant actors and sectors involved in child protection and how they relate to each other. The findings suggest a trend over the recent years that state authorities are increasingly outsourcing service provision in the child protection field to the private sector.

The study assessed the capacities without evaluating them, including financial and human resources. In addition, the study mapped the structures and services in place for alternative care and placement of children as well as the accountability and relevant mechanisms for inspection, monitoring and data collection.

Many of the findings are well known but it is important to demonstrate that these findings are all very similar across the 28 Member States.

#### *National legal and policy frameworks*

While the majority of EU Member States have a consolidated national legislation on child protection, there are also ten Member States that do not yet have a consolidated national child protection law. There is a multiplicity of different legal and policy instruments addressing children at risk of poverty, children on the streets, children in asylum situations, children who are migrants and other groups of children or situations. Some Member States are now revising, have revised or are about to revise and restructure their child protection systems. Malta, for instance, adopted a single child protection policy in 2014. The field is very dynamic. More countries see the need for a single consolidated approach.

In federal states, the regional frameworks and budgets are not always harmonised. There are different standards from region to region and that has consequences for the scope and quality of child protection services throughout the country. What is still often missing in Member States are concrete action plans, that means specific measures accompanied by specific budgets to achieve specific objectives in a specific time line. These policy plans can however be very important for policy planning and implementation.

#### *Actors and structures*

The high level of fragmentation of actors and structures is very striking. In most Member States, the child protection systems are decentralised with various competencies assigned to the local and/or regional levels. There are different responsibilities at different levels. In some cases, central ministries are responsible for overseeing mechanisms that are operationally under the responsibility at the local level but lack overall cooperation mechanisms. The decentralisation brings a host of challenges such as diverse standards of implementation and resource allocation. When resource allocation is guided by the number of residents of municipalities, rural areas often remain with limited resources for child protection services. There needs to be an examination of how local authorities can receive more funding and support.



The approach of joined-up government is an interesting example with a potential to overcome some of the challenges created by fragmentation. Sweden is one of the countries that piloted this approach in order to work across different government levels and to make them more effective.

There is an increasing approach of privatisation of service providers. In general, the public sector is increasingly held to outsource to the private service sector, but the standards need to be set. With an increased engagement of NGOs and the private sector as service providers, it is essential that the state guarantees adequate standards, for instance through accreditation and licensing and robust monitoring by the public authorities.

### *Child participation*

All Member States have provisions in the legislation that require that the views of the child be taken into consideration concerning placement in alternative care. How is this transformed into clear practices and regulations that can guide the different child protection agencies and structures in the implementation of these laws? In fact, the provisions on hearing the views of the child are not always mandatory and often different age limits that apply.

Children in alternative care are allowed to file complaints only in about a third of the Member States, although this would constitute an important minimum standard for national children in care and children on the move. Most Member States have no legal provisions for complaint procedures in residential care facilities. Guardians can support children in making their views heard when they are appointed, qualified and mandated to do so.

### *Non-discrimination principle – Children falling through the cracks?*

The study identified some groups of children who are facing particular challenges, including children with disabilities, children with a minority ethnic background, children in juvenile justice systems, children who are separated from their parents, including asylum seeking children and irregular migrants, as well as children living in extreme deprivation. Children who are affected by multiple and intersecting factors are even more disadvantaged.

A key question to address in the future is how well prepared the national child protection systems are to deal with the diversity of children. With regard to non-nationals, the mandates of child protection authorities and services providers are not always clearly defined or are interpreted in different ways in practice. That might lead to situations, where assistance is refused in practice.

### *Accountability – Inspection and monitoring*

The study attached great priority to the accountability principle and duty bearers who can be held accountable. Inspection and monitoring both are very important, within the state administration and by independent structures. While inspection is more practical and day-to-day, monitoring is more political but both have to be in place.

Although Member States do provide for inspections, these are often limited to internal inspections and there is a lack of clear provisions for independent inspections. There is a need for common quality standards that reflect human rights, including the rights afforded under the CRC.

The definition of indicators for data collection is critical to guide the quality of the inspections. There needs to be a move from inspections and monitoring as a tick-the-box exercise to look at inspections

and monitoring that help promoting an impact and added value. Assessing concrete and measurable targets can help identifying which policy yields the desired results. Indicators for monitoring should be applied systematically across the EU in order to enhance the comparability of data over time and across borders. It would be particularly important to move from measuring input and output to a more comprehensive approach that measures also indicators of structure, process and outcomes, according to a rights-based model oriented at the standards of the UN, the Council of Europe and EU policy targets.

For several years, the FRA has been piloting in the justice sector a different approach of indicators, which allows monitoring not only the policy goals, but also specific human rights measures. The indicators are measuring structures, processes, outcomes and impact. The FRA is promoting these indicators also on measuring Roma inclusion with special attention towards children, and the human rights and inclusion of persons with disabilities.

The process for developing and piloting these indicators has started. But they will only be valuable if the governments adopt the indicators and accept that their performance will be measured against these indicators. Countries with a tradition of respecting and promoting human rights such as the Nordic and Baltic countries can take the lead and the FRA will support them while other states might join in subsequently.

In Europe and globally, child protection is evolving from a charity issue towards a human rights issue. That implies that someone has a duty to ensure that these rights are respected and safeguarded in practice. In many cases, children are abused and misused not necessarily, because their families want to do so, but because families do not see other options and children are seen as a resource to provide for the family. This relates also to the cultural perceptions of children and a paradigm shift towards understanding children as rights holders. To gain trust, services need to help families overcome the situations that make them use children in a certain way. There is a need to tackle the protection imbalances in the region, which are also a key driver of mobility, and to reform child protection systems in countries of origin and destination within the EU. It requires targeted funding and structural reforms with special attention to legal and policy frameworks and coordination mechanisms. The objective would be to enhance the compliance with human rights and related quality standards throughout the EU.

### **From protecting children on the move to safeguarding their rights**

“Safeguarding” as opposed to “protecting” children has been defined by a UK policy document as “the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.”<sup>1</sup>

The best interests’ determination for children on the move generally aims at the identification of a durable solution for the child. UNHCR and UNICEF define a durable solution for unaccompanied or separated children as “a sustainable solution that ensures that the unaccompanied or separated

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<sup>1</sup> See: Local Government Association, *The Role of District Councils in Safeguarding Children*, February 2009, accessed from [http://www.local.gov.uk/home/-/journal\\_content/56/10180/3511516/ARTICLE\\_on\\_31\\_March\\_2015](http://www.local.gov.uk/home/-/journal_content/56/10180/3511516/ARTICLE_on_31_March_2015).

child is able to develop into adulthood, in an environment, which will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child and will not put the child at risk of persecution or serious harm. Because the durable solution will have fundamental long-term consequences for the unaccompanied or separated child, it will be subject to a BID [*best interests determination*]. A durable solution also ultimately allows the child to acquire, or to re-acquire, the full protection of a State.” (UNHCR & UNICEF, *Safe and Sound*, 2014, p. 22).

A durable solution is not about a temporary residence permit for one or two years until the child turns 18, but includes social support for integration or return or resettlement to a third country. The concept of a durable solution is therefore very much in line with the safeguarding concept.

Many of the children on the move are not in the child protection system at all nor in the asylum reception system. They may have been in the system and then dropped out. There are some good practices and different methods for reaching these particularly marginalised children, including helplines and hotlines, low-threshold drop in centres and social outreach work as well as national referral mechanisms that reach out on purpose to the most marginalised. In many countries, there are day centres, drop in centres, night shelters or other low-threshold services that provide information and facilitate the access to services. It would be important to discuss how these low-threshold and often informal services can link up with more formal services of the child protection system. There are good examples in this area and initiatives of peer-to-peer work that aim to inform children on the move. This kind of support may also be important for children who go missing and might help them to continue accessing support services, but it is equally relevant for children in labour exploitation or other exploited or marginalised groups.

An approach coming from UNICEF’s work with partners is the concept of a ‘protective environment’, which can be useful as a general framework, in addition to the general measures for implementation. There are also other issues that need to be taken into consideration such as government commitment; alternatives to existing attitudes, behaviours and practices; capacity building; meaningful child participation and empowerment; strengthening the protective role of families and communities, including support for families on the move and prevent family separation on the move; and improving monitoring and oversight, including data and analysis. With regard to the general measures of implementation, are there elements that can be translated to transnational cooperation? What does it take to make a transnational protective environment?

With regard to transnational child protection case management, there are some existing sources and networks that would be important to consider for the guidelines. The Support Procedure and West African Regional Standards for the Protection and Reintegration of Vulnerable Children developed by the West Africa Network of the ISS, for instance, is a valuable tool to look into. It discusses in eight steps the identification, referral and assistance of children on the move in transnational situations through to the identification and implementation of a durable solution. The standards provide for a long-term holistic safeguarding approach for identifying the best solution for the child.

A holistic and empowering approach is also promoted strongly by the PICUM publication ‘Children first and foremost’. It aims to ensure the fulfilment of all the rights of the child, supports meaningful child participation including through the Council of Europe life project approach and includes useful tools for a social work approach. PICUM provides recommendations for empowering children on the move through education and employment opportunities, from secondary education to third level education or apprenticeships. The regulations for non-nationals to enter these education

opportunities need to be reviewed and possibly reformed in order to promote social inclusion, including for children with undocumented status. An important point is to strengthen the legal pathways out of irregularity such as apprenticeships for undocumented youth. PICUM provides also recommendations on how to secure a durable solution for children on the move, in line with best interests of the individual child.

For the follow-up of the PROTECT children on the move project, the situation of undocumented children and EU national children should be a priority as they remain often outside the system.

### **A holistic approach to safeguarding children on the move**

The expert meeting series has strongly illustrated the fragmentation of actors, the challenges of decentralisation and has discussed in-depth the need for a holistic approach to children on the move. On one hand, there is consensus that all the key stakeholders need to work together to provide their input into a decision making process. It remains however key challenge, how this can be achieved in practice. In the Nordic and Baltic countries, the asylum process aims often to apply the protection criteria from a perspective focused on the best interests of the child. A guardian, a social worker, reception centre staff, or supporting NGOs might have valuable information about the child and his or her background. That information does not always reach the decision makers in the asylum procedure. The information from those different actors is however critical as all these actors can contribute with specific knowledge and many of them are in regular and trusted contact with the child. They need to feed it into the decision making process of the asylum claim. Of course, not all but some of the information is of relevance. For instance the child may have come to Sweden through Italy and may have been abused and exploited in Italy but may not tell that to the asylum officer because the child is afraid of being transferred under the Dublin III Regulation. The decision maker may find out that the child has transited through Italy and decide for a transfer but the officer might not be aware of the abuse that has happened there before.

What does it mean to safeguard a holistic approach? Could there be specific checklists of what needs to be considered to ensure that the child's asylum claim is assessed in a way that implements the best interests' principle and which actors need to be involved? There are some good practices that could be further explored. The Swedish asylum officers work with a child consequence assessment tool, for instance, which could be developed and applied in other countries and contexts as well.

With regard to child-friendly procedures and reception, how can children be involved in the design of these procedures in a meaningful way? It is widely recognised that efforts need to be made to systematically seek the child's feedback and provide the children with an environment in which they feel the trust and the confidence they need in order to tell their stories. UNHCR worked with the Finish authorities on an approach that aimed to institutionalise the participation of asylum seekers in the reception system. The objective was to make sure their views on the reception conditions are regularly solicited. This provides also an important source of information for the continued reforms and improvement of the reception centre set-ups. It may be worthwhile to look into this and see how the surveys can be made child-friendly. The objective would be to enable and facilitate the participation of children in the identification of gaps in the reception system and promoting targeted reforms.

In the EU, Member States have committed to a common European asylum system, but the application of European standards is still very uneven. This uneven and inconsistent application contributes to driving the movements of asylum seekers across Europe. There are, for instance, notable differences in decisions granting asylum. According to Eurostat statistics, the rate of positive asylum decisions or protection status for applicants from Afghanistan ranges from approximately 1% in some countries to 100% in other countries. These discrepancies create movement within the EU. With regard to children, the application of the protection criteria in a child-sensitive manner is very uneven as well. Decisions often do not lead to a durable solution. How can authorities make sure that decisions lead to sustainable solutions, to prevent that a child is finding a different solution for him or herself? This is one of the key questions that prompted UNHCR to work on Safe and Sound, together with UNICEF.

Another key issue is the prevention of family separation. There are opportunities for achieving this better than is currently done. The Dublin III Regulation addresses this issue in Articles 8, 9, 10 and 11 with regard to unaccompanied children and family matters. The dependency clause in Article 16 is important, too. Families could be brought together, including on humanitarian grounds, to have their applications assessed in the same countries, but the states are not yet fully exploiting and interpreting these opportunities.

Access to accurate information about rights, obligations, risks and procedures is often very limited and difficult to obtain, specifically information in a language that the child understands. A lot of information is provided by smuggling networks and that is often easily accessible for persons before and during the migration or at destination. With so many children moving, child-friendly and child adapted information would need to be available and accessible more readily. That connects also to the role of helplines and hotlines and the support they can offer.

### **Promoting policy coherence and implementation into practice**

The different perspectives of child protection and immigration authorities may appear to be opposing and in conflict but they all have their own background and legitimacy. In Europe, we are seeing opposing discourses reflected in the political debate. Some are of the opinion that less persons might be coming to seek asylum in Europe when European countries lower the standards of reception. Some consider the countries that receive particularly high numbers of asylum seekers as the “village idiots”. Others are advocating for higher quality standards and human rights safeguards. Many aspects are still unknown and underdeveloped and this might contribute to the lack of policy coherence. If there are different perspectives and each has its own legitimacy, are there also different policies to target different ‘versions’ of the reality. Does this lead to different sets of rights? Speakers have talked about a paradigm shift, but these polarised realities make it very hard to achieve that. In order to achieve a paradigm shift, there needs to be a common idea about the reality and a common discourse.

The lack of policy coherence leads to a number of consequences. At the EU level and within countries, there is a need to target the consequences, if not the causes. There is clearly a lack of ownership, limited accountability and capacity to implement. In some cases, the accountability is very clearly given, for instance guardians are accountable for their action or inaction. But at the same time, they are struggling with limited resources that make it difficult for them to carry out their tasks according to their mandate. When a person or an institution does not have the resources to fulfil its mandate, then there is a gap.

There are a lot of gaps in the system and in regulations or at the level of the implementation into practice. Children might fall through these gaps and remain unprotected even when they are offered services but these might not fit their specific needs. There are gaps between the law and policy framework of the EU and what has been transposed by the Member States and implemented in practice. There are also gaps between the child protection systems and migration systems that may leave children unprotected or at risk.

In Sweden, unaccompanied asylum seeking children have equal rights and access as national children do, this has been arranged at the law and policy level and services are made available. That does however not mean that these children enjoy the same quality of care as they might have very specific needs, for instance with regard to mental health care. So even if they have equal access on the paper, in practice their specific needs might not be addressed in an adequate way. Developing rights-based approaches in reception and care is important but at the same time, the services offered need to be also needs based and targeted to the individual child.

There are good examples that are targeting the lack of ownership and accountability, the lack of capacities and policy gaps.

In the context of Dublin transfers, there are important opportunities to enable family reunification. There are some gaps in the system if a child is transferred, for instance, from Sweden to join his or her 'uncle' in Finland through the Dublin procedures. Usually, the 'uncle' is however not checked by the authorities in Sweden before arranging for the transfer. This is a lack of coherence that is unintended and can be fixed. There is also a risk of trafficking involved, so clearly a need to address this gap.

In Belgium, there are good examples of cultural mediation and important experience of providing cultural mediation alongside interpretation. A cultural mediator is well prepared to understand a child from a different cultural background and can set everything into the child's or family's cultural context. When the qualification as cultural mediator is added on to the function of the interpreter, it needs an investment in training and qualification of the right staff, but otherwise this intervention does not have additional cost implications.

In some countries, unaccompanied children are placed in foster families. This development can be promoted further and is not controversial but recognised to lead to good outcomes for the children while also being cost-efficient for the authorities.

Country of origin information is a major source of information for migration authorities and informs the processing of asylum applications. Although there are well developed systems for generating country of origin information, child-specific information is often lacking. UNICEF Netherlands and Sweden are piloting efforts to provide child-specific information to complement the mainstream country of origin information.

There are some opportunities that can help to generate knowledge and ownership in the future and address policy gaps. It would be important to generate more evidence of the needs base of unaccompanied children and possibly a shift in research and methodologies towards a 'youth care approach' in addition to the target group of unaccompanied asylum seeking children.

With regard to guardianship mandates and resources, NIDOS has developed good practice examples in the Netherlands, including by offering a helpdesk for guardians and a collection of case

examples. At the European level, it would be important to offer more consistent training and working methods for guardians, possibly also helpdesks and back-offices to support individual guardians. There is much room to strengthen this at the EU level, for instance for 'Dublin cases'. Why is there no central place in Europe where guardians and others can ask questions and get support?

With regard to participation and research, there is a need to explore the possibilities for strengthening the participation of this target group. Experience from throughout Europe shows that unaccompanied children do not complain through the mainstream reporting and complaint mechanisms, where they are available. But there are other ways to interact with them and solicit their views.

### **Support and monitoring after return**

Terre des Hommes project on the support and monitoring after return of children is funded by the EC Return Fund and based on the experience and learning from previous projects in this area. The project aims to provide practical guidance on post-return support and monitoring for unaccompanied children and children in families. In order to achieve this, the project gathered evidence on factors influencing reintegration. It identified 120 children in six South Eastern European countries and followed their reintegration process over an 18-month period. The project provided also assistance and support for their integration. The countries involved were Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia. The vast majority of the 120 children (87) were Roma, Egyptian or Ashkali and belonged therefore to minorities in their countries of origin. All children had been returned from EU or EFTA Member States. The majority of the children and young people who were involved in the project were returned with their families. Nonetheless, there is still a need for reintegration support and monitoring.

The project tested a peer-to-peer support system for the young returnees. In each country, children and young people in similar age groups as the returnees were identified and recruited to work with them. The objective was to encourage peer support and friendships, through individual or group activities, to support the social inclusion of the returnees.

Victims of trafficking were excluded from this research as they need specific reintegration support and most countries have special frameworks for their repatriation. The objective was to look at children who are not benefiting from assisted voluntary return programmes and to understand how authorities can make sure in these cases that the child or young person is reintegrated in a sustainable way.

The research with the returned children and families explored questions about their return experience and what kind of follow-up they received. An analysis of the data gathered led to the following findings and observations:

In return procedures, families were mostly seen as a unit. The children had not been asked or heard with the objective to determine their best interests or needs. No consideration had been given to their individual rights and needs as children.

The destination countries had difficulties in assessing, in an appropriate way, the difficulties and problems that the children and families would be facing after return. They took it for granted that services would be available but families found it difficult to access services after return. Durable solutions for the children and families were therefore not carefully thought through. There was no evidence, with an exception for Albania and some cases in Kosovo, of reintegration plans and child-

friendly processes prepared by the state authorities. The project staff did however work with these plans in order to make the process more transparent and to ensure it was targeted to the needs of the child and family.

Before return, the countries of origin had been given little or no information about who would be returned and when. A particular gap was pre-return information about the education and health status of the children. The local authorities at the place of return were rarely prepared to make family assessments.

After return, there was often a lack of appropriate referrals. The families simply had to return to the place of origin. The experience with the repatriation of victims of trafficking has shown that returns can work well, but in migration cases they are not as well prepared and followed-up upon. Among the returned families, some were returned to the wrong countries and there were cases of children returned to the border from where they had to call their parents to ask for help to reach home. In some cases, social workers or NGOs were stationed at the border and supported the children. Had it not been for this support, the children were left to themselves.

The research revealed many challenges faced by children after return. Many of the children did not speak the majority language of the country they had been returned to. This is particularly a case for children from Roma families or children who were born and grew up abroad and learned the language of their parents but not the majority language of their parents' country of origin.

There were certain barriers for children to access school after return, including due to the language issues. The countries of destination have however an obligation to respect the school year and to not send children back in the midst of the year. In some cases, children were not in school for many months after their return. Education is one of the most important elements for reintegration and a fundamental right so it needs to be given more priority in return procedures and follow-up support.

Many of the children and families did not have access to services, either due to lack of information of existing services and how to access them or due to other reasons, for instance the remoteness of their place of living.

In some countries, migrant children are not registered at birth. This was particularly the case among the returnees in Albania who had been born in Greece but had not been registered there at birth. Without a birth certificate, children did not have access to certain services and entitlements.

Some of the children and families were living in very precarious conditions before they departed so they have been very vulnerable even before they embarked on their migration. In some cases, the migration itself increased the vulnerability of the family, as did the return experience. When they returned, their situation was even worse and they were left with less resources and resilience to cope.

The project did not evaluate the decisions taken by countries of destination but it was obvious that there were many issues and challenges involved. Children who had been completely integrated into the society in the destination country and still have many family members there, found it very hard to accept the fact that their future was now to be in a different country. For children who were born and have grown up abroad, or spent extended periods of their lives abroad, return can also mean a culture shock and trauma.



Prior to return, the life project concept can be very useful while the child is still in the country of destination and as early as from the child's identification and referral in the country of destination through to the identification of a durable solution. In addition, the life project concept can also be useful after return as it can form the basis of a reintegration plan. The concept offers opportunities to ensure a seamless continuation in the area of education and health but not limited to that. Already in the pre-return procedures, special consideration should be given to the child's education, health, social integration, legal status and financial support.

During the first 12-18 months after return, the post-return monitoring should be carried out periodically at pre-defined intervals. The post-return monitoring looks into milestones for the implementation of support measures.

As this project focused on research and the development of proposals for action, Terre des Hommes will follow up on that basis with targeted advocacy in countries of destination and origin.

### **CONNECT – Improving reception, protection and integration of unaccompanied children in Europe**

In Europe, there is strong consensus on the importance of a child protection systems approach that needs to be rights-based, holistic and integrated. In practice, however, it remains a challenge to translate this approach into practice. There are many different mandates involved and the child protection discourse is not necessarily the predominant one. The CONNECT project looked into the tensions between the different mandates, such as the child protection and the migration control mandates.

CONNECT was a transnational project involving Italy, the Netherlands, the UK and Sweden. The starting point of the project is EU law and policy, which offers many standards and recommendations concerning children on the move. The project produced a reference document on EU law and policy with reference to the CRC, a useful resource to offer guidance through the complex set of EU standards concerning children's rights. In addition, the key interest of the project was to look at the implementation of these standards into practice and to strengthen the implementation in accordance with the CRC.

The CONNECT project focused much on actors and the general measures of implementation such as action plans and strategies, coordination and cooperation between the different actors and the responses to different groups of children, including asylum seeking children and others. The key interest was to understand the level of integration of the child protection approach to different groups of children.

With regard to the legal, policy and administrative frameworks in the four countries under study, the project identified common challenges with regard to the fragmentation of the law and the decentralisation of the reception of unaccompanied children to the regional or local levels. The decentralisation increased the fragmentation even further.

A comparison of the actors involved in the responses and action for unaccompanied asylum seeking children revealed that there are a range of different actors involved who have different roles and responsibilities in the different countries. Their degree of specialisation and qualification differs a lot. The actors need appropriate and coherent roles, they need to be properly equipped and cooperate

effectively. The immigration actors were dealing with social issues as well to some extent and in some contexts, the mandates were overlapping and interchanging.

Cross-border cooperation within the EU and with third countries is still an area that needs to be strengthened further. There are very few examples of cross-border cooperation with relation to child protection and the existing examples are mostly focused on return or readmission.

With regard to EU actions, the CONNECT project concluded with the following recommendations: It will be important to renew the EU policy framework for child rights, protection and children on the move. With regard to the existing law and policy framework, CONNECT recommends that the EU and Member States vigorously pursue the proper application of the EU anti-trafficking and asylum law and other relevant Directives, to ensure due follow-up and monitoring. In addition, there is a need to develop and improve cross border cooperation within the EU and to develop transnational child protection mechanisms.

Overall, CONNECT concluded that it would be useful to develop more practical tools for actors involved in the reception and protection of unaccompanied asylum seeking children and children on the move.

### **Child Helplines – Entry points for children into the national child protection systems**

The Child Helpline International Foundation (CHI) is a global network organisation based in Amsterdam. Child helplines are child-friendly entry points into the national child protection systems as they support children in getting access to information in a language they understand and access to services and support.

Child Helpline International supports the creation and strengthening of national toll-free child helplines worldwide. There are currently 192 members in 145 countries. Together, these helplines receive over 14 million contacts each year from children and young people in need of care and protection. Some work more through telephone helplines while others are mainly present online. CHI uses child helpline data and knowledge to highlight gaps in child protection systems and to advocate for the rights of children.

There are child helplines in all EU countries due to the efforts by the EU to standardise helplines for children, it has a similar number to the number for missing children. The advantage is that children, who migrate within Europe, can continue to dial the same number even when they cross borders. The website [www.116111.eu](http://www.116111.eu) provides an overview of and access to the European helplines.

Children who dial the number get to a counsellor who is essentially responding to CRC Article 12, the right to be heard. A child can call without any risk and in complete confidentiality.

CHI is operating the website [www.freeourvoices.org](http://www.freeourvoices.org) with an online advocacy campaign to donate voices in support of child helplines and their important activity to help children being heard, accessing information and support. The campaign 'free our voices' aims to mobilise support for the global movement of child helplines to achieve progress so that more of the incoming calls are responded to so that child helplines are resourced and prepared to respond to the high demand from children.

In the CBSS region, child helplines have been operational since 2002. The data of incoming calls in the region demonstrate a similar phenomenon as in other regions. The number of calls coming in is

much higher than what the counsellors are able to respond to. Some children hang up when they are not connected to a counsellor, others might decide to drop out of the line before speaking to someone. That is a major challenge and it would be important in future to invest more in child helplines and step up the number of counsellors available to listen to children over the phone or online.

Children are contacting the child helplines on in the CBSS region for many different reasons. The three top issues concern peer relationships (26%), psychosocial and mental health (19%) as well as sexuality and sexual awareness (17%). Family relationships are also often among the issues that children call for (13%). These are data from the years 2002-2013 but the issues that children are calling about are relatively constant between the years. There are some country variations but that might have to do also with the way that child helplines communicate and advertise publicly. It is important to keep in mind that the children who call the helplines are not necessarily representative of the whole country, so the country-specific trends are a self-selection of children who have decided to call the helpline and cannot be considered representative.

### **Guidelines for promoting the human rights and best interests of the child in transnational situations: Lessons learned from the PROTECT Children on the Move Project**

One of the products produced by the PROTECT children on the move project are guidelines on the human rights and the best interests of the child in transnational situations. Rights-based and rooted in international and regional standards, the guidelines are primarily informed by knowledge and evidence and reflect the experience shared by participants at the PROTECT expert meeting series (2014-2015). The guidelines will adopt a broad and holistic perspective by combining the expertise from different professional groups, sectors and countries as well as the views and recommendations of children. They will aim to consolidate guidelines and recommendations that have previously been issued by UNICEF, the UNHCR, the Separated Children in Europe Programme, the Council of Europe and the EU, the Hague Conference on Private International Law and many important national guidelines. The guidelines are understood as a living document that is used and adjusted for national and cross-national training and consultations. The CBSS Children's Unit will facilitate the development and use of the guidelines as a document from professionals for professionals.

The guidelines aim to foster cross-border cooperation in child protection cases focusing on the transnational aspects of case management and care planning for children on the move. The 'categorisation' of children according to their migration status or status as victim of crime is not a primary interest of the guidelines. They apply to each child on the move and recognise the diversity of situations and conditions of children's movement across borders. An important interest of the guidelines is to consider the right of the child to be safe in relation to all the human rights of the child, including children's right to develop their evolving capacities, skills and resources. The guidelines will therefore address child protection matters within a broader, rights-based context. This approach aims particularly to encourage investments in the prevention of exploitation and abuse of children on the move, including in the context of trafficking, at any stage of the child's migration. By adopting a holistic perspective, the guidelines will also address considerations that might help preventing children from going missing. The target group is broadly defined and includes policy makers and public officials, public/private service providers within the child care/protection structures, migration authorities and the asylum reception system, guardians, immigration officials and case officers, legal enforcement, border guards, as well as human rights and child rights advocates.

The aspirations with the guidelines are to give hints and examples of how national child protection systems can connect with their counterparts across borders. They aim also to foster trust in the capacity of national child protection systems to handle transnational cases with the same level of competence and quality as national cases.

Specifically for the context of return, transfer and resettlement of children across borders, the expert meeting series has brought up numerous challenges in safeguarding the human rights of children. Yet, speakers have also presented possible solutions. There are existing networks for cross-border information gathering, case assessment and follow-up that could be drawn upon more intensely in order to safeguard children in cross-border returns and transfers. Currently, the prevailing pattern is that return is offered and organised according to different standards and procedures for different groups of children. Examples shared at the expert meetings range from supported repatriation of victims of trafficking to ad hoc returns of unaccompanied children in trouble with the law. There are examples of voluntary return and family reunification that could be considered as ‘success stories’, while other children are transferred in a legal limbo under the Dublin Regulation. The Brussels Regulation is used for EU-returns although this is not primarily within the margins of the regulation. The Hague Conference on Private International Law has succeeded to set up effective networks for transnational child protection and family matters. These forms of transnational cooperation and communication are functioning well for a rather small caseload. The expert meeting series has seen also testimonies of highly disruptive returns that interrupted children’s health treatment, school or vocational education and where follow-up was inconsistent. In some cases, it appeared that the rules and regulations of return take priority over the individual needs of the child or young person concerned. When returns are not carefully planned and followed-up with adequate support, they might not be sustainable. Cases of exploitation and (re-)trafficking or new departures after return have been presented and demonstrate that the principle of continuity of care across borders and the life project concept offer important added value for preventing harm and victimisation prior to, during or after return.

The guidelines will discuss step-by-step opportunities for strengthening transnational cooperation in different phases of the child’s migration and reception towards the identification and implementation of a durable solution, in particular with regard to the identification, referral and case management; the best interests determination; the investigation and prosecution of criminal acts (*if and as applicable*); and transfers and return.

### **Transnational child protection wiki**

The PROTECT project will create an online tool for transnational child protection. In practice, these online tools are often quickly forgotten about and there are many attempts over the years to communicate the results of projects, but a lot of knowledge is lost over time. Partners and speakers in the expert meeting series noted that it could be useful to have a single source of information for transnational cooperation in child protection matters.

The project team and partners looked into the possibilities of using a wiki, which is the format that also Wikipedia uses. There are benefits as well as risks with using this format. Wikipedia has its own structured way to present information. There are regular Wikipedia projects, there are also Wikipedia portal pages, so there are many opportunities for using the tool. The wiki format and the Wikipedia host offer a range of opportunities and it needs the right approach, a solid communication plan, planning for continuity and training, with a core group to facilitate the birth and maintenance of the

online tool. Wikipedia workshops could be used to train key partners and focal points on how to use the tool. In the context of the PROTECT children on the move project, a first section of the foreseen pages will be developed while funding will be sought to expand and maintain the site.

**Reflections from the CBSS Expert Group for Cooperation on Children at Risk (EGCC) representing the 11 Member States of the CBSS, Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia and Sweden**

The EGCC has implemented and is planning projects that are in many ways connected to the PROTECT project and the discussions during the expert meeting series. One is related to the training of professionals and officials working with child victims of trafficking and exploitation. The Expert Group has organised several expert meetings and an international conference in Oslo in 2011 on a child protection response to the exploitation of children in begging and criminal activities. The PROTECT children on the move project is producing good results such as the online tool and the guidelines, with the aim to promote the continuation of the activities beyond the project's duration.

The guidelines will also be very useful to inform national policy making and law reform. In Latvia, for instance, a new asylum law is being drafted and the Ministry of Welfare, which is closely involved, will use the outcomes of the PROTECT project to inform the process.

The priorities of the EGCC include also the rights of children in alternative care. Many CBSS Member States have identified gaps in this field, including with regard to having sufficient foster families in place. That would also be relevant for the children on the move.

In alternative care, it is important to ensure monitoring of children in institutions, to ensure that their rights are respected. The EGCC has initiated the Aud Train method piloted in some Member States. The feedback has been very positive as method has brought about a paradigm shift in the way that the inspections are being conducted, less focused on the physical aspects of institutions but more on the quality of care.

There remains a lot to be done to support children on the move when they turn 18 years old, whether they stay in the country or have to return. Their situations are similar to the situations of national children who are leaving child care institutions and the same standards should apply to support their transition into adulthood. There are cases of children who leave the institutions and 'run away', maybe even to another country; they are not asylum seekers but they do not like to be in an institution and should rather be in a family. There are many parallels between the issues concerning alternative care for children deprived of parental care and the reception of unaccompanied asylum seeking children. It could be an opportunity to discuss these issues together and to learn from what works in child care and protection regardless of the child's status.

In order to have national child protection systems in place, there is a challenge that concerns all countries in the region. That is to ensure consistent implementation at the local level. Today, the quality and scope of implementation at the local level differs significantly. The central level needs to support a unified approach in the municipalities and mechanisms for horizontal and vertical cooperation have to be in place.

One of the particularly important and challenging issues is the correct identification of the individual child's needs. Only when the social workers are able to understand the situation, background and needs of the individual child, they will be able to offer targeted services and to support the child effectively.

The social services, immigration authorities and the police need to work together in order to achieve a comprehensive approach to promote the best interests of the child. The group of children on the move is very heterogeneous and diverse with many different groups of children and some of them are being exploited or trafficked. There are numerous national laws and policies that apply to these children. Coordination and cooperation among the different professionals and authorities is therefore important in order to ensure that the best interests of the child are the guiding principle. The concept of a referral mechanism, as recommended by the Council of Europe, is very useful and needs to be promoted more at the national level and within the region. Generally, the cooperation across borders within the EU and beyond, and with countries of origin, is essential.

Responses to migrating children need to be developed and delivered in compliance with the obligations that states have by international law. The Barnahus (Children's House) model is very well prepared to approach migrating children at risk in line with international standards and could be introduced to these cases as well. Unaccompanied children are often traumatised and extremely vulnerable. They might be victims of trafficking, at risk, or they might have had other experiences of violence, abuse or exploitation before the departure, on the way or at the destination. There is a danger that the multi-sectoral response contributes to the re-traumatisation of the child when the interventions are not coordinated in a child-friendly manner. That is crucial, because the reception and interventions in countries of destination must not aggravate the child's situation or re-traumatise the child. Currently, that is however happening in many countries, including due to the multiple interaction of different actors, obliging the child to disclose his or her painful experiences repeatedly to different officials and service providers.

If these multiple agencies are involved, they need to coordinate their actions and collaborate in order to ensure that each agency is contributing to a common objective according to its specific mandate. The principles of inter-agency cooperation and coordination is reflected in many international conventions and regulations, including in the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. The guidelines provide that professionals should develop and implement comprehensive and specially tailored interventions in cases where there are risks that the victim may be victimised further. These strategies should take into account the nature of the victimisation including that of sexual exploitation and trafficking (Article 39).

The EU Trafficking Directive of 2011 has very explicit articles with regard to the prevention of re-victimisation. The Directive has the status of a law and is legally binding upon EU Member States. The Council of Europe Convention on Action Against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (the 'Lanzarote Convention') also address the importance of preventing re-victimisation.

The Lanzarote Convention gives particular emphasis to a multi-agency and inter-disciplinary approach. This is running through the whole Convention to ensure that the different agencies work together for the benefit of children. With regard to prevention, the Convention obliges States Parties to ensure the co-ordination on a national or local level between the different agencies involved (Article 10.1). With regard to protection and interventions, it states that each state party shall

establish effective social programmes and set up multi-disciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care (Article 11.1). It further requires that state authorities invest in the development of partnerships or other forms of cooperation between the competent authorities (Article 15.2). With regard to investigation and prosecution, the Convention provides for principles and general measures of protection (Articles 30 and 31).

There are many other recommendations from the Council of Europe that underline the importance of multi-agency and inter-disciplinary cooperation like for instance the Council of Europe guidelines on child-friendly justice. They recommend that Member States set up child-friendly, multi-agency and interdisciplinary centres for child victims and witnesses where children could be interviewed and medically examined for forensic purposes, comprehensively assessed and receive all relevant therapeutic services from appropriate professionals. In addition, the Recommendations on children's rights and social services (Rec(2011)12) provide for multi-agency cooperation as well as the Congress of Regional and Local Authorities Strategy against Child Sexual Exploitation and Sexual Abuse.

Children on the move are commonly subjected to multiple interventions by multiple agencies and repeated interviews where the child is not in focus. It would be important to develop an approach based on the Barnahus model (Children's House) in order to really approach this in a child sensitive manner. There should be trained professional interviewers who conduct forensic interviews in a child-friendly environment where all the different agencies that need the child's narrative are represented and can observe the interview. In the same place, the necessary services that children need can be offered such as medical services, joint investigative interviews, victim therapy, family counselling and support, education, training and research as well as networking at the local and national levels.

The states and societies in the CBSS region have achieved a lot but there remains more to be done, with more focus on prevention, which is one of the main challenges in most countries and in most fields of child protection. The development of multi-disciplinary approaches in policy planning and in practice is essential. The experience of professionals and officials from different sectors and levels can guide and inspire reform processes and should therefore be taken seriously and communicated effectively including to the politicians and those who make decisions about public investments.