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CBSS Expert Group on
Children at Risk

Introducing the Addendum: New developments in 2016

As the *Guidelines promoting the human rights and the best interests of the child in transnational child protection cases* publication is envisaged as a living document, this Addendum provides an overview of some key themes and developments that emerged during the past year. The Guidelines address the situations of children on the move who are at any stage of their migration at risk of violence, abuse and exploitation, including in the context of trafficking. They are directed at professionals and officials working with and for children on the move in the fields of childcare, protection and social welfare, immigration and asylum, law enforcement and the judiciary, healthcare and education. They describe standards and obligations under international and European law that ensure children's safety and well-being regardless of their national origin or immigration status. Case management and care planning for children on the move are central to the Guidelines. They discuss step-by-step the transnational cooperation from the initial identification of the child and relevant assessments through to the identification and implementation of a durable solution, including the possibility of return.

The Guidelines are complemented by a *Practical Guide* for caseworkers and case officers. As an easily accessible tool, the Practical Guide provides an overview of measures to promote the human rights and the best interests of children who are outside their country of origin or habitual residence. The content of the Guidelines and the Practical Guide is also accessible online through the *Transnational Child Protection Portal* and related Wikipedia pages, which offer access to additional material such as specific tools and analytical reports and invite users to provide updates and information in this continuously evolving area.¹

The Guidelines and the Practical Guide were developed during 2015 and have been substantially informed by a two-year consultation series organised by the Council of the Baltic Sea States Secretariat. The Practical Guide has been translated in Estonian, Finnish, Latvian, Lithuanian, Swedish and Russian.²

In 2016, these materials were tested during a series of training seminars and consultations organised in cooperation with the Nordic Council of Ministers. Seminars took place in Helsinki, Riga, Stockholm and Tallinn and involved almost 200 officials and professionals from the Nordic and Baltic Region. This initiative to promote information exchange and joint learning in the region will continue during 2017 and 2018 with additional meetings in St. Petersburg and Vilnius as well as Copenhagen or Oslo to focus in particular on the identification and referral systems at the national level. The UN Convention on the Rights of the Child is at the centre of these seminars, which will be complemented through the active engagement of children and young people who will share their stories, experience and recommendations.

The Guidelines will be formally launched during a conference in December 2016, with participants from ministries, UN Agencies, international and national organisations. The conference is organised by the Council of the Baltic Sea States in cooperation with the Central European Initiative and will discuss good practice examples in protecting migrant and asylum seeking children with a special focus on unaccompanied children. The outcome of the conference with representatives from 29 countries in the North, Central and South of

¹ See: Wikipedia, Transnational Child Protection Portal, https://en.wikipedia.org/wiki/Portal:Transnational_child_protection.

² See: Council of the Baltic Sea States, Guidelines promoting the human rights and the best interests of the child in transnational child protection cases, <http://www.childrenatrisk.eu/guidelines>.

Europe will be a set of conclusions and recommendations to guide the two regional organisations in 2017 and beyond.

Since the Guidelines have first been published, the situation in the Baltic Sea Region and in Europe more broadly has undergone significant changes. During 2015, the stark increase of asylum applications, which had been noticed since 2012, continued. Overall, 1,255,600 new applications for international protection were registered by EU Member States in 2015, twice as many as had been received in the previous year. 29% of the applications made in 2015 were handed in by children under 18 years of age (364,124), including accompanied and unaccompanied boys and girls.³

In 2015, the number of unaccompanied asylum seeking children rose to just over 104,000 in the 28 Member States of the European Union as well as Iceland, Liechtenstein, Norway and Switzerland. Most of them were boys (91%) and over half were between 16 and 17 years old (57%). Half of the unaccompanied children were from Afghanistan, while other main countries of origin include Syria, Eritrea, Iraq and Somalia.⁴

Eurostat reports that the reception of asylum applications continues to be distributed very unevenly among EU Member States. In 2015, only six of 28 Member States shared 81% of all first time applications (Germany, Hungary, Sweden, Austria, Italy and France). Hungary, Sweden, Austria, Finland and Germany were the countries that received the highest rates of asylum applications per capita, which ranged from 17.699 applicants per million inhabitants in Hungary and 16,016 in Sweden to 5,576 in Finland and 5,441 in Germany.⁵

In 2016, the number of asylum applications from adults and children remained high with almost 600,000 new applications registered in the first six months.⁶ The risk of exposure of migrant and asylum seeking children to violence, exploitation and trafficking remains high at any state in the migration process and children continue to go missing from care and reception centres.

The very high level of migration to Europe prompted reactions from national Governments and the European Commission, including in the area of law and policy reform.⁷ In October 2015, Hungary was the first country to close its external border and several South-Eastern European countries started closing the borders as of March 2016. In the same month, the European Union signed an agreement with Turkey that provides for the return of irregular migrants and asylum seekers from Greece to Turkey combined with a resettlement plan concerning Syrian refugees from Turkey into EU Member States.⁸ The closing of borders and the agreement itself were criticised for not being in line with international human rights and humanitarian law. In particular, it is expected that these developments increase the

³ Eurostat, *Asylum in the EU Member States, Record number of over 1.2 million first time asylum seekers registered in 2015*, News Release, 4 March 2016, <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6>. Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex, Annual aggregated data*, Last update: 5 October 2016, http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.

⁴ Newsletter of the European Union, *Eurostat: 90,000 Unaccompanied Minors in the EU in 2015*, 4 May 2016, <http://www.newslettereuropean.eu/eurostat-90000-unaccompanied-minors-in-the-eu-in-2015/>. Eurostat, *Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded)*, Last update 21 September 2016, http://ec.europa.eu/eurostat/en/web/products-datasets/-/MIGR_ASYUNAA.

⁵ Eurostat, *Asylum in the EU Member States, Record number of over 1.2 million first time asylum seekers registered in 2015*, News Release, 4 March 2016, <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6>.

⁶ Eurostat, *Statistics Explained, Asylum quarterly report*, Data extracted on 21 September 2016, http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report.

⁷ UNHCR, *Regional Refugee and Migrant Response Plan for Europe*, 2016, p. 8.

⁸ European Commission, *Implementing the EU-Turkey Agreement, Fact Sheet*, 4 April 2016, http://europa.eu/rapid/press-release_MEMO-16-1221_en.htm.

vulnerabilities of migrants and asylum seekers, including children, to exploitation and trafficking in the waiting areas at the closed borders.⁹

Although EU Member States had committed in September 2015 to resettle 66,400 asylum seekers from Greece, these quotas have not been reached. The European Commission reports that by July 2016, only 2,213 persons had been resettled, which remained far below the targets.¹⁰ It is against this background that the European Commission is reforming its Common European Asylum System, with a package of proposed amendments to the main Directives and Regulations in this area. The European Commission is supporting the exchange on good practices in the protection of migrant and asylum seeking children. The Council of Europe has announced it will develop a pan-European Action Plan to improve the situation of migrant and asylum seeking children in Europe.¹¹

In September 2016, the United Nations adopted the New York Declaration for Refugees and Migrants. The Declaration commits United Nations Member States to respect a set of fundamental principles to save lives, protect rights and share responsibilities and to ensure safe, orderly and regular migration. The Declaration is preparing the ground for the development of two Global Compacts on refugees and migrants, which shall be adopted in 2018. The protection of persons in need of special protection such as children and persons who have been exposed to sexual violence is one of the priorities in this initiative.¹²

In view of these developments, and as the *Guidelines promoting the human rights and the best interests of the child in transnational child protection cases* are envisaged as a living document, this Addendum provides an overview of some key themes and developments that emerged during the past year. The Addendum addresses in particular the following key themes:

1. Introduction to the Transnational Child Protection Portal and Wiki;
2. An update on new developments with the Children's House model as a good practice to enable children's access to services and justice, including child victims of trafficking and unaccompanied children, who are increasingly considered a target group for the services offered by the Children's House model;
3. Guidance on communicating with children on the move informed by practitioners who are specialised in conducting interviews with children in the context of childcare, asylum or criminal investigations and proceedings;
4. Recent developments in relation to guardianship services for unaccompanied children, with a set of integrated recommendations towards a more systemic approach to guardianship;

⁹ United Nations Office of the High Commissioner for Human Rights, *UN Rights Chief Expresses Serious Concerns over EU-Turkey Agreement*, 24. March 2016. United Nations Office of the High Commissioner for Human Rights, *Walls and Laws against Irregular Migration are no Match for Human Trafficking – UN Expert, World Day Against Trafficking in Persons*, 30 July 2016. United Nations Children's Fund, *Danger Every Step of the Way, A harrowing journey to Europe for refugee and migrant children*, UNICEF Child Alert, Refugee and Migrant Crisis, June 2016, p. 4 Terre des Hommes, „Weil Wir Überleben Wollen“, *Kinderarbeit unter den Flüchtlingen des Syrienkonfliktes*, Kinderarbeitsreport 2016 [“Because We Want to Survive”, Child labour among persons seeking international protection from the Syrian conflict, Child Labour Report 2016], 2016, p. 39.

¹⁰ European Commission, *Relocation and Resettlement: Positive trend continues, but more efforts*, Press Release, 13 Juli 2016. Amnesty International, *Greece: Europe must shoulder the burden for 46,000 refugees and migrants trapped in squalor*, 18. April 2016.

¹¹ See: European Commission, 10th European Forum on the rights of the child: the protection of children in migration, 29-30 November 2016, http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=34456. Council of Europe, Special Representative of the Secretary General on Migration and Refugees, http://www.coe.int/de/web/portal/special-representative-secretary-general-migration-refugees-tomas-bocek/-/asset_publisher/WGGKtzfRmGv6/content/calais-camp-closure-there-must-be-alternative-accommodation-in-france-and-increased-cooperation-for-the-transfer-of-unaccompanied-children-to-the-unit.

¹² United Nations General Assembly, New York Declaration for Refugees and Migrants, Resolution adopted by the General Assembly on 19 September 2016, A/RES/71/1, 3 October 2016, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1.

5. An overview of the ongoing reform of the European Common Asylum System and the implications for children who seek asylum in the European Union;
6. An update on the assisted voluntary return and reintegration programme of the International Organization for Migration.

The Wikipedia Portal on Transnational Child Protection¹³

The Wikipedia Portal on Transnational Child Protection and related Wikipedia pages¹⁴ offer a platform for sharing information, knowledge and expertise among all those involved in safeguarding children in cross-border situations. It provides an overview of relevant standards, practical tools, internationally recognised and endorsed approaches and methods, as well as institutions in different countries. The portal is a work in progress. It shall evolve as institutions, services and professionals increasingly take part in sharing their knowledge and experience. Constructive contributions are welcome and encouraged.

The pages have been developed on the basis of the *Guidelines promoting the human rights and the best interests of the child in transnational child protection cases*, which are themselves informed by a broad and multi-year consultative experience involving leading professionals and officials in this field. The Guidelines' content was synthesised into Wikipedia pages by updating existing pages that were incomplete or outdated and creating new pages. The Portal is the central hub of all related pages on Wikipedia.

The Portal and Wikipedia pages cover a broad range of themes related to transnational child protection. They include an introduction to child rights' principles and fundamental safeguards, specific services such as case assessment, guardianship and age assessment, the reception of asylum seeking children, procedures for the determination of the best interests of a child, the identification and implementation of durable solutions, and risks related to violence, exploitation and trafficking of children. The pages provide an overview of international and European standards such as the UN Convention on the Rights of the Child, Council of Europe Treaties and recommendations and EU Law as well as reference to legislative reforms and case law. Case stories, good practice examples and reference to specialised tools and guidance are accessible through the Wiki and the users are encouraged to continue adding new sources as they become available.

A collaborative way to communicate to a global audience

The Wiki format offers a dynamic and collaborative way to communicate to and with a global audience. Wikis are owned and built by a virtual community, which engages actively to maintain ownership and ensure an appropriate scope, quantity and quality of information. While Wikipedia itself is free to use, it is also subject to certain regulations that enhance the opportunities for fact checks and updates that are fully referenced and sourced. Wikipedia pages are prioritised in web searches, often showing up at the top of the search results list, which enhances the visibility of the content and easy access for users. In this way, the work to improve and create new pages on Wikipedia has filled a noticeable gap of freely, easily available information – no matter who is searching for it.

¹³ Contribution by Shawna von Blixen, Council of the Baltic Sea States Secretariat.

¹⁴ See: Wikipedia, Transnational Child Protection Portal, https://en.wikipedia.org/wiki/Portal:Transnational_child_protection.

Since the Transnational Child Protection Portal and Wiki went online in March 2016, there have been a total of 254,126 page views by December 2016, with an average of 488 views per day on all related pages. The portal itself has received 2,289 views, with an average of 9 per day. Usage continues to rise.

How to work with the Transnational Child Protection Portal and Wiki

Users are invited to contribute to the maintenance of the Portal and the Wiki directly online or by contacting the Council of the Baltic Sea States Secretariat. If you think the information on one of the pages needs to be updated, if you can help with a specific topic in the portal or one of the issued on the to-do list of the Portal, or if you have the resources to build and train an editing team, please email your ideas to the CBSS Secretariat.

There are several ways how users can contribute, communicate or edit pages directly online. On the Portal page, clicking 'talk' and 'edit', you can leave information, a comment or suggestion. When you are done, click 'save page'. You can access this part even without an account, although it is easier for the CBSS Secretariat to get in contact with you if you register first.

If you click on 'edit' you can make changes to the text displayed online and click 'save' when you are done. Easy edits can include making changes to spelling, grammar or syntax, changing incorrect or outdated usage of terminology or adding links or sources, especially in the 'external links' section. Intermediate editing includes more substantial and changes to the focus or structure of a page or even creating a new page. If you wish to share thoughts and to plan changes ahead, you could add your comments to the 'talk' pages to see what others might think before you edit a page. If there are no responses within a few days, go ahead with the planned edit. You could also draft the planned pages in your personal account first before making substantial edits or updates. Whenever you are editing pages, make sure the text you write is neutral and sourced. Self-promotion of authors, organisations or agencies is not permitted on Wikipedia.¹⁵

The success story of the Children's House model in Europe and its relevance for children on the move¹⁶

As a specialised institution, the Children's House or Barnahus model offers professional expertise from various disciplines and a comprehensive set of services in response to cases of violence against children. In a child-friendly environment, the professionals at the Children's House collect evidence through forensic interviews and medical examinations, and offer case assessment and treatment. All processes are documented to secure evidence from the child's disclosure that is admissible at court and holds a high probative value if legal action is pursued. This integrated approach helps to prevent repeated interviews of child victims, to reduce stress and anxiety for the child and ensures that the child is referred to all services he or she needs.

¹⁵ See for further information and guidance for working on Wikipedia: A general [getting started](https://en.wikipedia.org/wiki/Help:Getting_started) guide is available from [wikipedia.org/wiki/Help:Getting_started](https://en.wikipedia.org/wiki/Help:Getting_started). The theory of [contributing](https://en.wikipedia.org/wiki/Wikipedia:Contributing_to_Wikipedia) to Wikipedia is explained at [wikipedia.org/wiki/Wikipedia:Contributing_to_Wikipedia](https://en.wikipedia.org/wiki/Wikipedia:Contributing_to_Wikipedia). The following provides a [style](https://en.wikipedia.org/wiki/Wikipedia:Manual_of_Style) guide for writing on Wikipedia: [wikipedia.org/wiki/Wikipedia:Manual_of_Style](https://en.wikipedia.org/wiki/Wikipedia:Manual_of_Style) as well as a guide to referencing and [citations](https://en.wikipedia.org/wiki/Help:Referencing_for_beginners) [wikipedia.org/wiki/Help:Referencing_for_beginners](https://en.wikipedia.org/wiki/Help:Referencing_for_beginners). [Your sandbox](https://en.wikipedia.org/wiki/Help:Referencing_for_beginners) is a good place for trying out edits and creating new pages: [wikipedia.org/wiki/Wikipedia:Sandbox](https://en.wikipedia.org/wiki/Wikipedia:Sandbox) or click on 'sandbox' when logged in.

¹⁶ Contribution from the PROMISE Project, see: <http://www.childrenatrisk.eu/promise/>.

After Iceland developed and established the Barnahus model as a pioneer in 1998, the Icelandic Barnahus became an important source of inspiration and a key point of reference for the establishment of the Children's House model in the Nordic countries. Sweden established the first Children's House in 2005, Norway in 2007 and Denmark in 2013. While Iceland keeps operating a single Barnahus, other Nordic countries have established several services in capitals, major cities and the regions. Today, there are more than 50 Barnahus in the Nordic countries.

Many more countries have established Children's Houses and comparable models in all parts of Europe, or are in the process. Lithuania opened a Children's House in June and Hungary in November 2016. Croatia, Finland, the Netherlands and Poland have established child-friendly centres and are working to expand their services. Cyprus, England (London), Estonia, Germany, and Malta have advanced to varying degrees in the process to establish a Children's House or comparable model. In Bulgaria, Ireland, Latvia, Luxembourg, Romania and Scotland, there are significant processes underway to prepare the setting up of a Children's House while support for the model is being gathered in Greece, Portugal, Romania and Spain. In the future, even more countries are expected to join the Barnahus movement.

While the Children's House model was initially created for children who have been exposed to sexual violence, the target group is gradually being expanded to include also other groups of children who are victims of violence or exploitation. More and more Children's Houses receive children who are victims or witnesses of domestic and physical violence, children who have been exploited, including in the context of trafficking, children who seek international protection from violence they have experienced in their countries or regions of origin and children who have been traumatised in the context of migration.

The PROMISE project coordinated by the Council of the Baltic Sea States Secretariat is a direct result and continuation of the efforts by national Governments, professionals and advocates in the Nordic countries to set up Barnahus. The partners in the project are Child Circle, the Barnahus in Linköping, Stockholm and Iceland, KENTER, a child-friendly centre, and the Verwey-Jonker Institute in the Netherlands. The PROMISE project is supported by professionals who have had leading roles in developing and operating the Nordic Barnahus model as well as professionals throughout European countries. Since the launch of the PROMISE project in 2015, there has been substantial progress and a sustained commitment in Europe to promote the establishment of new Children's Houses.



PROMISE

The Barnahus movement faces currently two challenges. One is to mobilise relevant support from the different sectors and professions that need to be involved for children to get comprehensive support, such as the social welfare, child protection and medical sectors as well as law enforcement and the judiciary. There is a need for formal agreements between these sectors to collaborate under the framework of the Barnahus model. In many contexts, amendments of laws and policies are required and thus the support from politicians and lawmakers is critical.

The second challenge is related to the evaluation of the quality of the Barnahus and the services offered and to promote continuous learning and improvement on that basis. The

Children's House model is based upon the requirement that children are given rapid access to justice and services, that the services are in the best interests of the child and that boys and girls are not re-traumatised in the process. This requires asserting, through evaluations and reviews, that the Barnahus is operating to the highest standards of quality.

In order to support the Barnahus to face these challenges, the PROMISE project is developing a package of different materials, such as an overview of international standards concerning children's access to justice and multi-disciplinary and interagency cooperation, quality standards and a system for internal control and monitoring, a documentation of success factors in establishing and developing Barnahus as well as advocacy material. The PROMISE project is supported by the European Commission, and a PROMISE II project is being developed for 2017-2019. This second phase will mainly focus on implementation at the national level as well as advocacy in Europe and globally.

Child-sensitive communication and interviews

Children who are outside their country of origin or habitual residence, as migrants or asylum seekers or as victims of trafficking, have to participate in numerous hearings and interviews. The stakes for the children at these occasions are high. Public officials and service providers interview children and communicate with them in order to determine their identities, to assess their needs and family relations, to understand their stories and any possible risks to their safety and well-being, to decide whether a child should apply for a residence permit or international protection and to assess their applications, and to determine their best interests where applicable. Children, who have experienced acts of violence or exploitation, including trafficking, might face additional interviews as part of criminal investigations and proceedings.

In order to communicate in a meaningful way with the child, there is a need for interviewers to be trained, skilled and prepared. In formal hearings, procedural safeguards need to be respected. They include access to information in a language that the child understands, the support from a guardian when the child is unaccompanied and by a legal representative in cases of judicial or administrative proceedings. The Guidelines promoting the human rights and the best interests of the child in transnational child protection cases provide a detailed overview of these and other procedural safeguards.

In addition, the consultations held with professionals and officials in the Baltic Sea Region during 2016 underlined how important it is for the interviewer to apply child-sensitive interviewing skills and techniques. This Addendum offers hands-on experience from professionals who are specialised in interviewing and communicating with children in the context of childcare and protection, asylum proceedings or criminal investigations and proceedings.

Interviewing children: Considerations for the interview setting and preparations¹⁷

Interviewing children is an integral part of all formal processes that need to be informed by the views of children. Interviews with children should be conducted with care and respect and the interviewer should show empathy towards the child. The interviewer should be neutral, focused and avoid showing her or his own feelings and opinions. When preparing an interview with a child, the interviewer should be aware of her or his role in the procedure and know that he or she must not make any promises to the child or raise false hopes. Experience shows that it is fundamental for the interviewer to communicate in a way that makes the child feel listened to and respected as a person, that care is taken to ensure the child understands the purpose of the interview, possible consequences and the broader context, and to make the child feel safe and trusted in order to tell her or his story.

In many contexts, data protection and confidentiality are important and the child should be informed how the information from the interview will be used subsequently and who will have access to it. The interviewer should be knowledgeable about confidentiality rules as well as reporting obligations stipulated under national law.

Good preparation of the interview is important. The following summary enlists some important points to consider:

1. Preparing the child for the interview

At the beginning of the interview, the interviewer introduces him-/herself, the purpose of the interview, the role of the interviewer and what he or she can do for the child. The interviewer should make the child feel at ease. The interviewer should assure the child that he or she is allowed to talk about anything, positive and negative things.

2. Who conducts the interview

It may be important for the child to be interviewed by a man or a woman. This should be clarified with the child and his/her primary caregiver and/or guardian prior to the interview.

3. Interviewer's appearance

The interviewer's appearance should be neutral. The interviewer should not be too overdressed nor untidy. Big jewels and other distracting items or materials should be avoided. The interviewer should speak with a calm but determined voice. It is important that the interviewer takes clear leadership and maintains the structure of the interview without being demanding or controlling. The interviewer should create a certain rhythm in posing questions and directing the conversation.

4. Location of the interview

A quiet and comfortable room with as little distractions as possible. Smaller rooms are better, preferably without the presence of toys except crayons and paper or play-dough.

¹⁷ Cited from: CBSS AudTrain Training Manual, forthcoming, 2017.

5. Interview settings

Comfortable chairs should be used and arranged at an angle, one chair for the child and one on the other angle for the interviewer. If necessary and appropriate, another chair can be added next to the interviewer for an interpreter. The use of tables in the interview setting should be avoided where possible and the interviewer should never sit in an interrogation style across a table or in front of the child. There should be free access to the door so the child does not get a feeling of being trapped or captured. It is good if there is some space for the child to move, although it would be preferable to avoid conducting the interview in a very big room.

6. Participants in the setting

In some cases, the interviewer may consider to invite a trusted person or staff member of the facility whom the child trusts to be present during the interview, for instance when the child is very shy or reluctant to participate, or especially with very young children or children with disabilities. In certain contexts, such as asylum interviews or other formal interview settings that are part of an administrative or judicial proceeding, the child has a right to be accompanied by her or his caregiver or guardian and the legal representative or lawyer.

8. Interpreters

Interpreters should sit next to the interviewer, even a little bit behind him/her and keep a low profile. The interviewer should keep eye contact with the child and should not look at the interpreter during the interview. Interpreters should never sit next to the child and face the interviewer, as this way of seating would cause the child to turn his/her head to the interpreter and make eye contact with them rather than the interviewer. It is important to clarify with the interpreter the exact wording of the questions asked and to be attentive that the interpreter does not ask different questions.

The interpreter should be trained and qualified to maintain a neutral role when translating. When the interviewer has suspicions that the interpreter is changing content, adding questions and asking questions on her or his own or manipulating the conversation, the interview should be interrupted immediately. If need be, the interpreter can be exchanged to prevent that he or she influences the interview or the child. In some languages, the length of sentences and the number of words used can differ significantly so that the interviewer might suspect differences in interpretation. These general issues should be addressed with the interpreter prior to the interview.

Positive experience has been made with working with interpreters who are linked into the interview by telephone or online communication technology, which protects the privacy of the child.

9. Timing and time frame

Interviews should be as short and concrete as possible and should ideally last not more than 40-45 minutes. Children should be interviewed early in the day wherever possible. The child's age, cognitive skills and personal situation could require that the interview is shorter. External factors that influence the child's concentration or participation in the interview should be taken into due consideration, such as hunger, naptime or the ingestion of medication.

10. Possible challenges

Children's behaviour can be unpredictable in interview settings and can at times be difficult to handle. Whenever a difficult situation arises, the interviewer should handle it with a sound balance of patience, determination and clear directions. The interviewer must never raise her/his voice or lose the temper. In some cases, the interview may need to be interrupted or ended, which is preferable over trying to push the child's limits. The interviewer should remember that no interview is perfect and when it could have gone better, seeds may have been planted in the child's mind that could facilitate further conversation at a later point of time.

[The interview guide: A sample from the Children's House context](#)¹⁸

Interviews at the Barnahus in Iceland are conducted according to an evidence-based interview protocol, the so-called NICHD protocol, which has been acknowledged as an effective method of interviewing children.¹⁹ The protocol is structured into different phases and steps that should be followed as closely as possible. The interview starts with the introduction phase, followed by a phase where the child is given the opportunity for a free recall of her or his life and story. This should be followed by open ended questions with a funnel approach narrowing down to more specific questions regarding the main topic of the interview. This interviewing method is applied with children who are victims and witnesses of violence in different contexts, including child victims of sexual violence, exploitation and trafficking. It is also being used increasingly to interview children on the move who have fled from acts of violence in their home country or region or who have experienced severe violence during their migration.

Phase 1: Introduction

1. Introduction of the interviewer and interpreter

The interviewer introduces him- or herself, his/her role and the purpose of the interview.

Then, the interviewer introduces the interpreter, if applicable, regardless of whether the interpreter is present or connected by phone or internet.

The introduction is followed by the following remarks and questions:

- We are here to find out something about your situation.
- We are here to find out how it is to be in your situation.
- You should feel free to say what you feel is important.
- We may make some notes but we will shred them afterwards and will not share them with anyone.
- Is there anything you would like to ask or say before we start talking?

The child introduces himself/herself. The interviewer asks the child to tell how old he or she is and from which country he or she is from. The child is also asked to speak about her or his environment in the place of origin such as the school they attended and details about their

¹⁸ Contribution by Ólöf Ásta Farestveit, Barnahus Iceland, and Turid Heiberg, Council of the Baltic Sea States Secretariat.

¹⁹ The National Institute of Child Health and Human Development (NICHHD) protocol. The protocol has been developed on the basis of research findings concerning children's memory, communicative skills, social knowledge and social tendencies. The use of the structured NICHHD Protocol improves the quality of forensic interviews with children as it enables investigators to obtain quality information from children. This in turn increases the likelihood that interventions will be appropriate.

level and interest in subjects. The interviewer asks the child about her or his other interests that the child had in the home country before he or she departed on the journey.

2. Interview instructions

The interviewer should take care to increase the child's accuracy and honesty, willingness to ask for clarification and resistance to suggestive questions. This is important because it decreases children's tendency to guess or to vary the story he or she tells and therefore helps to make the child's statement more credible.

- Let me know if I ask the same question more than once. If that happens, it is simply because I have forgotten that I asked the same question before.

Note: When asked the same question repeatedly, children tend to vary or change their responses. This is because the child might think that the interviewer did not like or approve of the response given before.

- Let me know if you do not understand the question.
- Correct me if I am wrong.
- If you do not know the answer to one of my questions, it is ok to say 'I don't know' or 'I don't remember'.

Note: Sometimes the child does not know what to respond to a question. They might not understand a word or a concept due to their young age, level of development or cultural differences. They also might simply not remember a fact they are being asked about.

- Ask the child if they know the difference between a true statement and a lie. Then make an agreement with the child that he/she will only tell the truth in the interview.

3. Becoming acquainted

After this introduction, the interviewer engages the child in a conversation that is interesting to the child, for instance talking about the child's skills or hobbies.

- Tell me more about yourself.
- Tell me about your hobbies.
- What are you good at?

This type of conversation helps to reduce the formality of the situation. It also provides an opportunity for the interviewer to assess the child's ability in conversation and the child's capability to make a free narration. **Therefore, it is important that the child does most of the talking and not the interviewer.** If the child is, for instance, talking about skills in drawings or interests in football, the interviewer can connect to these themes and ask open questions about these topics.

- Tell me all about your drawings, tell me all about the last picture you drew.
- Ok, so you like football, tell me all about your interest in football.
- Tell me all about the last match you played.

The interviewer can also ask the child about something recent in her or his life like if it was her or his birthday recently, or ask about the last weekend. This type of conversation gives the child an opportunity to rehearse free recall before shifting to the main topic of the interview. It also gives the child a feeling that he/she is supposed to do the talking. If the child is very reluctant and shy at this point in the interview, he or she is likely to be even more reluctant about disclosing issues regarding her or his life and situation.

Phase 2: Free recall – Speaking about substantive issues

After the introductory phase, the interview is now shifting to the main topic where the child shall narrate in free recall. The interviewer invites the child to speak about substantive issues. In the cases of children on the move, this narration might be guided by questions concerning the child's family and situation in the country of origin and the experiences during the journey. The interviewer can best start this phase by asking why the child is here today talking to the interviewer.

- Now that I know you better, I would like to know how you came to this country.
- Tell me everything about your country and family.
- Tell me everything about your journey.
- Tell me everything about your life in your country.

Note: The objective is for the child to tell a detailed story about her or his situation at home and the journey.

The interviewer starts with broad questions and becomes progressively more focused. At the beginning, the interviewer asks open-ended questions and then shifts to more specific questions that must always remain non-leading questions. It would for instance be important to know details about the family, how many they are in the family and the quality of family relationships and communication in the family. Only at the end, if the child has not disclosed anything, it is ok to ask more specific questions to prompt a disclosure.

- If you think someone will do things to you that they are not allowed to – we want to know about it.
- Were you forced to do something you did not like?
- Did anyone do anything to your body which you did not allow or did not like?
- Tell me all about that – Tell me everything from the beginning to the end, even if you think that something does not matter.

If the interviewer has previously had information about something that has happened to the child, as for instance information about acts of violence, smuggling or trafficking, and the child is not disclosing, it is ok at the end to add questions like:

- I know you are worried about something that happened to you, tell me about that.

The interviewer must avoid asking leading questions that suggest something that the child has not yet addressed. If the child discloses an act of violence, then the interviewer should follow up with questions about how often it has happened, to get information about the context and environment and everything that has to do with the child's senses such as feelings, smells, hearing and seeing.

The interviewer asks the child about their feelings when they lived in their home country, how they felt on the way to the country they are in now and how they are feeling the day of the interview.

It is important to understand how the child got the money for the travel and if he or she was accompanied by someone. Did they have any possibility to seek help on their way, for instance from police officers, relatives, teachers or state officials and was there anyone in their environment they could trust?

It is important to ask the child about suicidal thoughts or if they wish to die.

Finally, it is important to ask the child about her or his dreams or how they would like to live in the future, their hopes and wishes.

Phase 3: Closure

The interviewer sums up, using the child's own words, and returns to a neutral topic. The interviewer answers questions or concerns of the child and thanks the child for her or his participation.

At this point, it is important for the interviewer to discuss a safety plan with the child: Who can the child talk to?

Topics at the end of the interview:

Below are some questions about important topics to address in the interview. The aim of the interview is to gather as much information as possible on these themes from the child in a free recall, without asking the specific questions listed. Only at the end of the interview, those topics that the child has not addressed can be asked in a direct question.

- How long have you been in this country?
- Are there some adults that you have more contact with than others?
- Who is your primary contact or guardian?
- How often do you see your primary contact?
- Is there someone you can talk to if something is difficult or when you are sad?
- If you get visitors, where can you spend time with them?
- Do you have your own phone or you can borrow the phone?
- Is there someone who controls whom you are calling or what you say?

This list of questions may need to be adjusted according to the context and purpose of the interview.

[Avatar Based Interview Training: Using innovative technology to train professionals in interviewing children²⁰](#)

Avatar Based Interview Training (ABIT) is an online tool that offers an authentic experience of interviewing children. It uses an avatar based system to simulate face-to-face conversations with a virtual representation of a child. Although the tool is still in a prototype phase, it has received very positive feedback as a new possibility to train professionals in leading sensitive conversations.

Background

The Avatar Based Interview Training was developed by Linnaeus University on the basis of the interview training model "Script-Interviews", which has previously been tested at the University for training police officers in conducting interviews with children. The previous model was based on a roleplay carried out through a web conference, where one person would play the child and the other would conduct the interview. Due to the online setup, this model was very flexible. The interviewer received background information to conduct the interview. The interview was recorded and subsequently analysed in order to give feedback to the interviewer. The analysis was guided by a feedback manual developed by the University, which followed common standards and guidance for creating a clear structure,

²⁰ Contribution by Pär Stihl, Chief Detective Inspector, Project Manager, Institute of Police Education, Linnaeus University, Sweden.

such as the introduction phase, an explanation of the purpose of the interview and what would happen after the interview and the use of open-ended questions. The feedback manual provided a framework to guide the students in giving feedback to each other, while also the teacher provided analysis and feedback.

Working with the model “Script-Interviews”, the team at Linnaeus University understood that the engagement of adults who had to roleplay as a child created certain limitations for the training. Even when a person was good at acting as a child in the roleplay, the simulation was not perceived as realistic.

The beginning of ABIT

Based on this experience, the idea was born to use a picture/avatar that the interviewer should relate to instead of the person playing the child. In addition, the person representing the child should be able to control the child/avatar from another computer and her or his voice should be transformed into a child-like voice. The project team at the University of Linnaeus started to develop a prototype model to translate these ideas into practice. As a result, “ABIT” was created, the Avatar Based Interview Training.

ABIT made it possible for the interviewer to see and hear the child on the screen. The instructor controls the child/avatar from another computer and her or his voice is transformed to sound like a child. The instructor acts as the child and provides answers and reactions that could be expected from a child while the interviewer handles that conversation with the child/avatar via the computer. The conversation is recorded and is subsequently analysed by the instructor and the interviewee on the basis of a feedback manual.

Feedback manual

As the previous interviewing model, also the ABIT aimed to enable the students who act as interviewees to enhance their ability to learn and give feedback. To this end, a feedback manual was developed to guide the participants in their self-learning experience. The training is based on the understanding that the students have the capacity to give constructive feedback, which they do initially with the help of an expert. This approach is central to support the wide dissemination and use of the model and to achieve the expected training results among professionals working in this field.

Professionals need training

Many different groups of professionals need to lead sensitive conversations with children. They include teachers at all levels of the education system, social workers, medical doctors, nurses and other health care professionals, psychologists, lawyers, judges, police and asylum officers.

At present, there is little or no opportunity to authentically train professionals in communicating with children, in particular when sensitive issues are at stake. Recognising this gap, the project aims to develop a system that benefits different professional groups and enhances their capacity to handle sensitive conversations with children. The unique training programme and the support material are available on the project platform.

The ABIT-system is expected to be accessible for all professional groups who would like to use it and will benefit adults and children alike. The persons who meet and engage with children will, by using this training model, increase their capacities of talking with children about sensitive matters. This in turn will benefit children and increase their possibilities to be

heard in different matters concerning their situations. The training can enhance interviewing skills in social and legal matters or other situations where child-sensitive communication of high quality is required.

Taking to scale

The ABIT-system could be spread broadly through a “train the trainers” approach. ABIT will have a system for participants in the training to become certified trainers/instructors. They will be competent and licensed to give courses with the ABIT system and offer interview training in their region at different levels.

Our states and societies aspire to create child protection systems for all children and we have seen significant progress in many areas with many positive outcomes for children. An important precondition for children to get access to this high quality system is the help of adults to connect the child to the system.

Adults who know how to be that contact point for children are crucial for the child to obtain access to protection services. Children choose a person they trust and tell him or her about things they are experiencing as problems. It is therefore essential that they meet adults who know how to handle these sensitive conversations as this can be decisive for the child to get access to protection.

These conversations can be difficult to handle and studies have shown that persons who receive signals or disclosures from children tend to be scared of asking the wrong questions. On the other side, a person who is unprepared might decide not to take any action at all and just wait and observe, which results in further delays to the detriment of the child.

ABIT’s ambition is to offer a high quality online interview training platform for all professional groups that need to increase their capacity to handle sensitive conversations with children. This increased capacity will benefit children and increase children’s possibilities of getting access to the child protection system. The ambition of ABIT is to challenge the hidden nature of violence against children, with an estimated 90% of cases remaining undetected. ABIT aspires to be a part of a process of change in this field.

Child-sensitive information to explain the asylum procedure

In 2015, the Strömsunds municipality in Sweden launched an initiative to improve the communication with unaccompanied asylum seeking children. The initiative was developed on the basis of a participatory study, which revealed that a main source of uncertainty and concern for asylum seekers – adults and children alike – was their poor understanding of the asylum procedure and their limited access to information that they understood.²¹

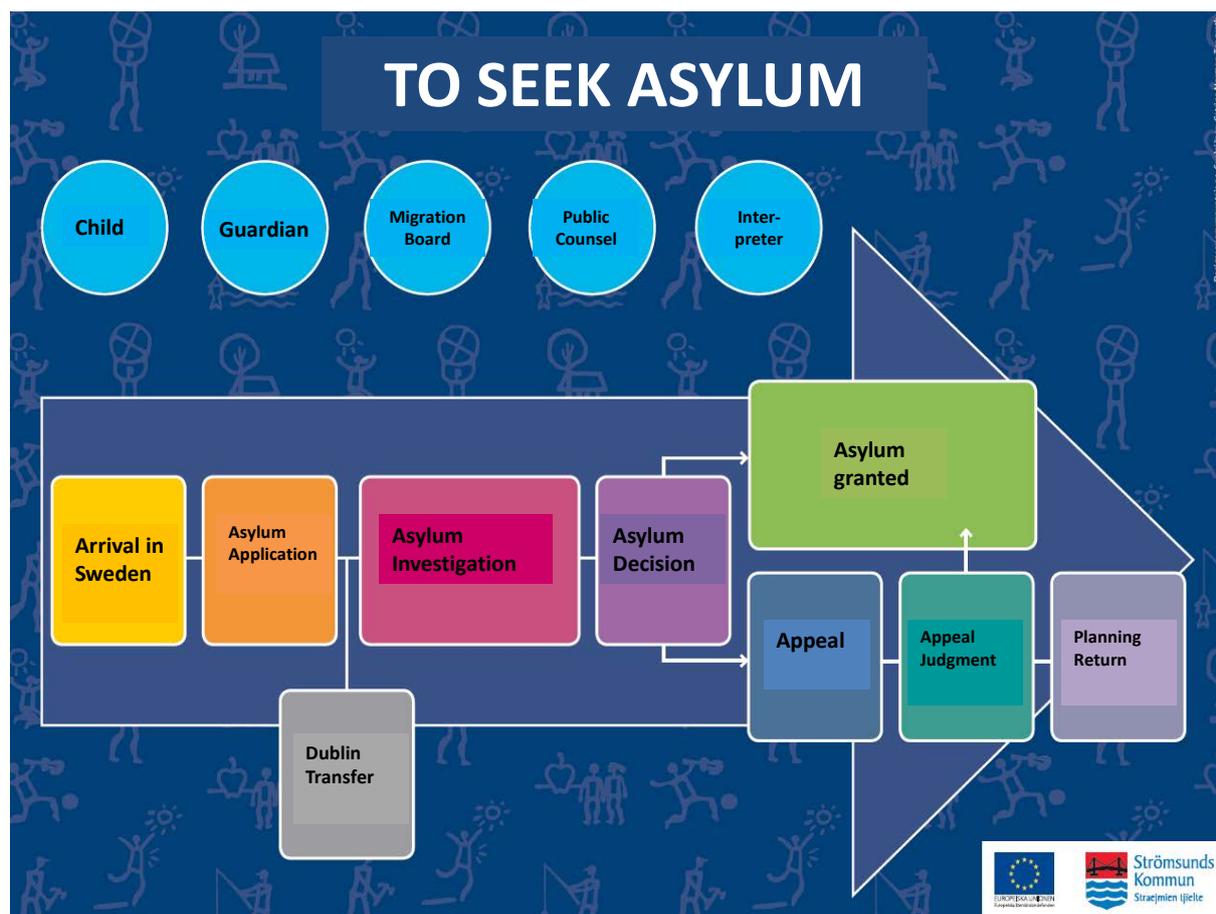
Consultations with unaccompanied asylum seeking children revealed that the children lacked information particularly in the first period after their arrival, that they were worried about the asylum procedure and the possibility that their applications could be rejected. The children felt that they did not have any influence on important decisions concerning them. The feeling of being powerless created further frustrations and fear of the future and limited their effective participation in the asylum procedure. In this difficult situation, many children stated that they were considering alternative options for remaining in Sweden in case of a negative decision such as living in hiding or marrying a Swedish citizen.

²¹ See: Strömsunds Kommun [Strömsunds Municipality], *Barn i Migration [Children in Migration]*, 2015, <http://www.begripligt.nu/index.shtml>.

On the other side, officials and professionals working with and for children also expressed the need to communicate better with children and to understand their views and perspectives. They wanted the child to gain a better understanding of the different actors involved in the asylum procedure and their roles. Talking about return was a particularly difficult topic for the children. On the basis of these reflections and findings, they concluded that a structured and simple animation could be helpful to enable a better communication with the children.

Against this background, the municipality of Strömsunds developed a child-friendly tool to explain the asylum procedure and to reflect with the child upon the different steps, the possible outcomes and consequences for the child's personal situation. The tool is interactive and offers a "map" that illustrates the main steps in the asylum procedure (see Figure 1). A set of playing figures symbolise the different actors involved. Using the map and the figures helps professionals to engage the child in a dialogue about the procedure. It also helps the child understand at what point he or she is at present, what will be the next steps and possible outcomes, and whom the child is going to meet with. Different types of the map and figures have been tested with unaccompanied children who selected the version that they found was most appealing and clear to them.

Figure 1: Strömsunds Municipality: An interactive map about the asylum procedure for unaccompanied children²²



Source: Strömsunds Municipality, Sweden, 2015.

²² Translated from: Strömsunds Kommun [Strömsunds Municipality], *Att söka asyl – en interaktiv karta över asylprocessen*, 2015, <http://www.begripligt.nu/filer/AE/Karta.pdf>.

The tool can be used in a flexible way according to the situation and the needs of each boy or girl. It is accompanied by a manual that guides professionals in talking to children, arranging the meetings, working with interpreters and managing difficulties that might arise. The tool should be used at the beginning of the asylum procedure and at intervals particularly prior to important meetings and decisions such as the asylum interview at the Migration Board and when receiving the asylum decision. The manual encourages professionals to read together with the child the information material for asylum seeking children, which the Migration Board has issued and which is available in the languages of the main countries of origin. The manual advises that meetings with the child should take place in an undisturbed environment and with sufficient time available to work with the tool.²³

The tool aims to enhance the child's understanding of the asylum procedure and to reduce thereby the level of stress and anxiety. The assumption is that the child can enter the asylum procedure better prepared and that this will enhance the quality of the process and the outcomes for the child and the officials involved. Overall, a better understanding of the procedure can make a significant difference for the child to gain trust in the authorities whom the child encounters, and gaining confidence in the own future. Being aware of what is going on helps to ease the waiting period prior to the asylum decision and to reduce the negative impact of the uncertainty on the child's well-being. The expectation is that the improved communication and informed participation of the child in the asylum procedure is preventing the child from taking unsafe decisions by themselves such as leaving the accommodation and living in hiding.²⁴

Reform of the Common European Asylum System

In July 2016, the European Commission launched a package of proposals to reform the Common European Asylum System.²⁵ The proposals amend the existing EU laws and regulations concerning international protection, in particular the Commission Proposals for an Asylum Procedures Regulation and a Qualification Regulation, the Commission Proposal to recast the Reception Conditions Directive, the Commission Proposal for a Dublin IV Regulation and the Commission Proposal to recast the Eurodac Regulation. In addition, the Commission has developed a Proposal for a Regulation establishing a European Union Asylum Agency and a Proposal for a Regulation establishing a Union Resettlement Framework. The proposed changes are currently under review by the Council and the European Parliament.

The reforms have been proposed in the light of the developments leading up to the increase of asylum applicants during 2015. The proposals include some improvements as well as limitations for asylum seekers. They concern also accompanied and unaccompanied children seeking international protection in an EU Member States. Positive changes include the quicker access to education and the labour market of asylum seekers provided for in the recast Reception Conditions Directive. In addition, the reforms concern guardianship for

²³ Strömsunds Kommun [Strömsunds Municipality], *Att söka asyl – en interaktiv karta över asylprocessen, Återvändande ensamkommande, Bilaga 1 [To Seek Asylum - an interactive map of the asylum process, The return of unaccompanied children, Appendix 1]*, 2015, <http://www.begripligt.nu/filer/Bilaga%201%20-%20Att%20s%C3%B6ka%20asyl.pdf>, p. 7.

²⁴ Strömsunds Kommun [Strömsunds Municipality], *Att söka asyl – en interaktiv karta över asylprocessen, Återvändande ensamkommande, Bilaga 1 [To Seek Asylum - an interactive map of the asylum process, The return of unaccompanied children, Appendix 1]*, 2015, pp. 5-6.

²⁵ See European Commission, *Completing the Reform of the Common European Asylum System: Towards an efficient, fair and humane asylum policy*, Press Release, Brussels, 13 July 2016, accessed from http://europa.eu/rapid/press-release_IP-16-2433_en.htm on 14 July 2016.

unaccompanied children, the review of asylum applications from children in the fast track procedure and the hearing of child asylum seekers.

The proposed Asylum Procedures Regulation provides for special guarantees for all child asylum seekers irrespective of whether they are accompanied or unaccompanied (Article 21 and 22). This implies an important recognition of the vulnerability of children and their needs for special support in the asylum procedure. Article 21(2) affords child asylum seekers the right to a personal interview, unless this was manifestly not in the child's best interests. The proposal introduces the use of psychosocial age assessments and allows, in addition, the use of medical examination when there are doubts about the real age of the applicant (Article 24(1)). The right to appeal against age assessment decisions has however not been clarified further in the proposal.

Overall, the proposed reforms have however not succeeded to address existing inconsistencies and challenges within the Common European Asylum System and to fully align the relevant Directives and Regulations with international standards and safeguards. They have been critiqued for their punitive approach towards irregular migration and undocumented entry to the EU, the definition of new grounds for detention as well as the strong priority attached to protection solutions within countries and regions of origin and in countries that are considered safe third countries or first countries of asylum.²⁶

Proposed Dublin IV Regulation

The proposed Dublin IV Regulation assigns the responsibility for ensuring representation and assistance for unaccompanied children during the Dublin procedure to the state where the child is "obliged to be present" (Article 8(2)). In practice, the proposed changes are likely to be little practicable and lead to children being deprived of their right to representation. When unaccompanied children cannot count on the support of a representative in the Dublin procedure, this is likely to have implications on their rights to access information, to express their views and to have them taken into account. On the other side, the proposal includes a clarification of the best interests' principle in Dublin transfers (Article 8(4) and Recital 20). It makes it obligatory for the transferring state to assess the best interests of the child prior to taking any decision over transfer. The best interests' assessment shall be done swiftly by staff with relevant qualifications and expertise.

Proposals concerning guardianship

The Proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU²⁷ aims to standardise guardianship services across all EU Member States. The proposal introduces the concept of a 'guardian', which is defined as "a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and her or his general well-being in procedures provided for in this Regulation and exercising legal capacity for the minor where necessary" (Article 4(2)(f)). It abandons however the concept of a 'representative', which was previously used by the EU Directives concerning the Asylum Procedure and the Reception Conditions as well as the Dublin III Regulation.²⁸

²⁶ For a detailed discussion of the proposed changes, see European Council on Refugees and Exiles, *ECRE Completes Analysis of Common European Asylum System Reform Proposals*, Asylum Information Database, 9 November 2016, <http://www.asylumineurope.org/news/09-11-2016/ecre-completes-analysis-common-european-asylum-system-reform-proposals>.

²⁷ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, [COM\(2016\) 467 final](#), Brussels, 13 July 2016.

²⁸ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, [COM\(2016\) 467 final](#), Brussels, 13 July 2016, pp. 15, 26-27.

The proposal provides for guardians to be appointed as soon as possible within a maximum of five working days after the child has filed an application for international protection. The authority responsible for examining the child's asylum application shall ensure that the child is informed immediately about the appointment of the guardian, while the guardian shall be informed about "all relevant facts, procedural steps and time-limits pertaining to the unaccompanied minor" (Article 22).

The proposal regulates the recruitment of guardians who need to have the necessary expertise and need to undergo a vetting procedure. Conflicts of interests in exercising guardianship need to be avoided. Guardianship services shall be provided with continuity to the effect that a child's guardian should only be changed when the responsible authority considers that the guardian has not performed her or his tasks adequately. An important improvement is the limitation of a guardian's caseload, which shall not include a "disproportionate number of minors". States are held to set up structures that supervise individual guardians, monitor their performance and are competent to receive complaints from unaccompanied children (Article 22(5)).

The mandate of the guardian is limited to supporting the child and promoting her or his best interests during the asylum procedure, within the scope of the Regulation. The guardian is responsible for informing the child about the meaning and possible consequences of the asylum interview. The guardian is present at the interview, has the right to ask questions or make comments during the interview and to be supported by a legal adviser or other counsellor, where applicable (Article 22(5) and (6)).

While the proposal strengthens the regulation of guardianship services beyond the provisions that are currently in place in EU law, its strict limitation to the child's representation during the asylum procedure could create difficulties in ensuring continuity of guardianship in practice. The guardian's support is essential to determine whether it is in the best interests of a child to apply for asylum or not. Member States therefore need to ensure guardianship promptly after an unaccompanied child has been identified or requests entry at the border, even before the regulations of the proposed EU Directives set in. In reviewing the proposed reform, it will therefore be important to ensure that the standards and procedures concerning guardianship for asylum seeking children are coordinated and harmonised with those applicable to unaccompanied children who have not yet handed in an asylum application or are seeking another type of residence permit.

The provisions of the Proposal for the Regulation cited above are mirrored also in the Proposal for a Directive laying down standards for the reception of applicants for international protection (recast), and the Proposal for a Regulation on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.²⁹

²⁹ European Commission, Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, [COM\(2016\) 466 final](#), 13 July 2016. European Commission, Proposal for a Directive of the European Parliament and the Council laying down standards for the reception of applicants for international protection (recast), [COM\(2016\) 465 final](#), 13 July 2016.

Guardianship services for unaccompanied children: Towards a guardianship 'system'³⁰

International and European standards provide for guardianship services and representation for all unaccompanied children. Guardianship is recognised as a procedural safeguard as the guardian complements the limited legal capacity of a child who is deprived of parental care. The guardian is a key figure in the daily life of the child and acts as an advocate for the rights of the child, promotes the best interests of the child and supports the child to have her or his views heard and taken into account. Guardians are decisive for unaccompanied children to be safe from all forms of violence and exploitation, including in the context of trafficking.

Although international and regional standards have reached consensus on the right of all unaccompanied children to be supported by a guardian, they remain vague or silent on quality standards of guardianship. In many European countries, guardianship for unaccompanied children remains a highly fragmented institution and guardianship services vary in scope and quality. Monitoring mechanisms are not yet consistently in place. In many contexts, the presence and competent support of a guardian is a precondition for unaccompanied children to access services and entitlements, such as health care, education and even the asylum procedure. Delays in the appointment procedure and in ensuring the first contact and effective support from the guardian impede children's access to these essential services. International and European standards mandate guardians to promote the best interests of the child, a concept that has been introduced into national and European law but is rarely clarified or defined in detail. Where a weak institutional framework and a poorly defined mandate coincide, the risk of inconsistent and unreliable implementation is high. As a result, all over Europe, there are children who do not benefit from the support of a qualified guardian and this in turn has severe consequences for their safety, well-being and development.

SafeGuard, a European project on guardianship services for unaccompanied children implemented between 2014 and 2016, engaged in a consultative process with leading institutions and experts throughout Europe, including countries in the Baltic Sea Region. A central interest of SafeGuard was to inspire a reflection on more systemic approaches to guardianship services. The initiative aimed to understand better the key elements of a 'guardianship system', the opportunities and challenges that systemic approaches might present, and how these could be translated into effective practice.

As a result of this process, the project concluded with a set of recommendations for a more systemic approach to guardianship services for unaccompanied children. The recommendations are based on standards, guidelines and principles concerning guardianship that have been elaborated by the United Nations, the Committee on the Rights of the Child, the European Union Fundamental Rights Agency and European NGOs.³¹ They

³⁰ Contribution based on Association 'I Girasoli' and Defence for Children International – Italy, *SafeGuard, Safer with the Guardian, Transnational Report Europe*, 2016, <http://www.defenceforchildren.it/files/DCI-SafeguardEuropeaReportweb.compressed.pdf>.

³¹ United Nations General Assembly, Human Rights Council, [Guidelines for the Alternative Care of Children](#), A/HRC/11/L.13, 15 June 2009. United Nations Committee on the Rights of the Child, [General Comment No. 6 \(2005\) on the treatment of unaccompanied and separated children outside their country of origin](#), CRC/GC/2005/6. European Union Agency for Fundamental Rights, [Guardianship for Children Deprived of Parental Care. A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking](#), 2014. European Union Agency for Fundamental Rights, [Guardianship systems for children deprived of parental care in the European Union](#), *With a particular focus on their role in responding to child*

consolidate these into a single framework and integrate the lessons learned in the context of SafeGuard. The recommendations are mutually interrelated and operate within a child-centred and a human rights-based approach that aims primarily to promote the best interests of the child.

The recommendations address the following areas:

- A leading institution for guardianship services that is oriented at the best interests of the child;
- Institutional integration and cooperation of guardianship services with existing structures for childcare, protection and welfare, as well as immigration and the reception of asylum seekers;
- Safe recruitment, appropriate training and supervision of guardians;
- A well balanced professional and personal relationship between the guardian and the child;
- Practical, organisational and financial support for guardians;
- A law and policy framework regulating guardianship services; and
- Data, analysis and research in the area of guardianship services.³²

International Organization for Migration – Assisted voluntary return and reintegration for (unaccompanied) children³³

Assisted Voluntary Return and Reintegration through IOM

The International Organization for Migration (IOM) helps migrants³⁴ who wish to return voluntarily to their countries of origin, or a third country of residence, in situations where they are unable or unwilling to remain in their host countries, or where the return is identified as providing a durable solution. In many countries in the Baltic Sea Region, IOM's work on Assisted Voluntary Return and Reintegration (AVRR) caters to the specific needs of unaccompanied migrant children, including those who are victims of trafficking.

In order to ensure a humane, dignified and safe return, as well as a sustainable path to the reintegration of its beneficiaries, IOM's work is guided by the principle of "Do No Harm", as well as by procedures and safeguards that also reflect relevant international conventions.

trafficking, 2015. Defence for Children The Netherlands, [Core Standards for Guardians of Separated Children in Europe](#), Closing a Protection Gap, 2011.

³² See: Association 'I Girasoli' and Defence for Children International – Italy, *SafeGuard, Safer with the Guardian, Transnational Report Europe*, 2016, <http://www.defenceforchildren.it/files/DCI-SafeguardEuropeaReportweb.compressed.pdf>.

³³ Contribution by Tobias van Treeck, Programme Officer, and Jaana Sipilä, Project Coordinator, IOM Country Office in Finland. For further information, see: IOM, *Enhancing the Safety and Sustainability of the Return and Reintegration of Victims of Trafficking*,

<http://iomfrance.org/sites/default/files/Enhancing%20the%20Safety%20and%20Sustainability%20of%20the%20Return%20and%20Reintegration%20of%20VoTs.pdf>. OSCE / ODIHR, *Guiding Principles on Human Rights in the Return of Trafficked Persons*, <http://www.osce.org/odihr/124268?download=true>. IOM, *Unaccompanied Migrant Children in Greece: IOM Report*, https://greece.iom.int/sites/default/files/IOM%20Greece_UAM%20final_0.pdf. *Safe Future, A complementary methodology for social workers providing assistance to foreign victims of trafficking and victims of domestic violence, who remain uncertain about whether they can stay in the Netherlands*, http://www.opvang.nl/files/Safe_Future_Methodology.pdf. European Union Agency for Fundamental Rights, *Guardianship systems for children deprived of parental care in the European Union*, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/guardianship_systems_for_children_deprived_of_parental_care_in_the_european_union_en.pdf.

³⁴ IOM Definition of "Migrant": IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.

This may include prior comprehensive assessments of vulnerability, safety and security concerns, evaluation of needs at individual, family and community level, individualized counselling in an age and gender appropriate manner (including on legal issues) and reintegration assistance.

With regards to the voluntary return of unaccompanied migrant children, IOM considers that assessing and determining the best interest of the child is essential to the return, which includes, among others, that the child has a safe place to return to and receive appropriate care. To this end, IOM cooperates with guardians, caretakers and competent welfare/child protection authorities in both the host country and the country of origin. At the same time, the views and opinion of the child her-/himself are to be taken into account in all stages of the process. IOM employs family and risk assessment tools that feed into best interest assessment, as well as inform all those involved in the process, and ensure the informed consent of the child (in line with age/maturity) and of legal guardians³⁵. In addition, the findings assist in developing a safe and sustainable reintegration path when the return is identified to be in the best interest of the child.

Where it is established that the voluntary return is in the child's best interest, IOM's services may include:

- Counselling on all aspects of AVRR, including in the child's native language wherever possible,
- Coordination with consular services, and acquisition of travel documents, if required,
- Domestic and international travel arrangements, including assistance at airports,
- Provision of a travel escort all the way to the child's final destination, who also oversees the reunification with her/his parents, or a hand-over to other designated guardians.

Furthermore, IOM's post-arrival assistance³⁶, among others, can consist of:

- Assistance with reintegration into the child's social context, so as to contribute to the safety and sustainability of the return, as well as to mitigate risks related to exploitation or re-trafficking,
- Provision of reintegration support in cash and/or in-kind,
- Support with accessing further counselling, education, vocational training or employment, or access to welfare services, including through referral to local support mechanisms,
- Monitoring of the reintegration process and reporting to relevant parties.

IOM's experience strongly suggests that a sufficient level of trust, as well as pro-active management of expectations, among the child and all stakeholders are essential for a smooth arrangement of the voluntary return and reintegration. Among others, this may include that the child's views and opinion are continuously taken into account, as well providing her/him with opportunities to personally discuss – and possibly build a relationship – with relevant stakeholders in the country of origin before the actual return.



³⁵ See also https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/guardianship_systems_for_children_deprived_of_parental_care_in_the_european_union_en.pdf (p. 56)

³⁶ The availability and monetary value of reintegration support, as well as the scope and duration of the assistance, usually depends on parameters agreed between donors and IOM for specific projects.