

Council of the Baltic Sea States – Children’s Unit

PROTECT Children on the Move Transnational child protection in practice

The case management cycle in transnational situations Challenges identified in the CBSS Expert Consultation series

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Prevailing stereotypes and attitudes

- “Child victims are traumatised and highly vulnerable”
- “Unaccompanied asylum seekers are strong and resilient”
- “Independent child migrants are trouble makers and criminals”
- “It’s their culture”

→ **Stereotypes guide perceptions and attitudes towards children**

→ **Impact on case management?**

→ **Information, training and sensitisation needed to influence attitudes among policy makers, case officers and service providers**

The challenges of identification

- States invest strongly in identification of children on the move according to certain groups, status and ‘categories’
 - Guidelines, check-lists and training of front-line staff on how to identify
 - Experience and evidence shows that identification remains often inefficient
 - Nonetheless, entitlements and access to services depend on ‘category’, applicable procedures and identification
- **How much priority should be attached to definitions and ‘identification’?**

Challenging the focus on protection: Towards a continuum of services for prevention, protection and empowerment

- Protection from violence is fundamental and cross-cutting
 - Safeguarding children is much broader than protection
 - Coherent and holistic approach that values needs, aspirations, responsibilities and longer-term development of the child
 - Education, work, mobility, health, family responsibilities and needs (family reunification)
- **From responding to protection needs towards a continuum of services for prevention, protection and empowerment**

Establishing and transferring jurisdiction

- Which country holds the relevant information?
 - Which country has the jurisdiction over the case?
 - Is a case pending anywhere?
 - Are there reasonable grounds to transfer the jurisdiction?
 - What are the procedures for establishing jurisdiction?
 - How do authorities cooperate across borders to resolve these questions?
 - Which international / regional conventions apply?
 - Are they applied in practice and if so, how?
- **Many unresolved questions especially in cases where immigration law and family law intersect**
- **Lack of consistency in existing regulations and procedures**

Continuity in care planning: Mutual recognition of decisions

- Transfer of guardianship arrangements in cases of return or transfer
- Recognition of age assessments
- Bi-lateral cooperation on best interests assessments and determinations and subsequent implementation
- Continuity in care planning: Life projects (across borders if and as appropriate)

→ **Need for common standards and procedures**

Misinterpretation of the CRC and reluctance to take decisions

- Children are given leave to remain until 18
 - Age 18 as a rigid cut-off whereas many national care systems provide for after care up to age 21 or 24
 - Politically sensitive: Reluctance to conduct comprehensive assessments and take decisions over return
 - 'Administration' of cases rather than meaningful care planning
- **Is this approach dignified and rights-based for the person concerned?**
- **Is it sustainable and cost-efficient for the authorities?**

Added value of a transnational perspective

- **Shared responsibility:** Collaboration between country of arrival and country of origin
- **Continuity:** Connecting national child protection systems across borders to ensure continuity in care planning and case management
- **Effective:** Establishing or strengthening central authorities within national child protection systems equipped with a broad mandate
- **Holistic:** From a narrow protection focus towards a continuum of services for prevention, protection and empowerment
- **Coherent:** CRC as common basis for child rights, protection, law enforcement and migration management agendas
- **Proactive:** Work towards mindset change from 'administering a problem' towards 'proactive case management for promoting opportunities and resources'
- **Investment:** Understanding linkages between migration and development and implications for children, communities and nations from an investment perspective in the future, from a child-centred and rights-based perspective

Thank you!

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