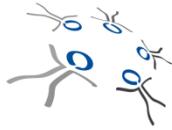




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**CHILD CENTRE**  
Expert Group for Cooperation on  
Children at Risk, EGCC



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

### **‘PROTECT Children on the Move’**

#### **Third Expert Meeting**

#### **Returns and Transfers in Practice:**

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

**Vilnius, Lithuania  
9-10 September 2014**

#### **Full Meeting Report**

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**Tuesday, 9 September 2014**

## **Session I: Introduction**

### **Welcome and introduction**

#### **Turid Heiberg, Senior Adviser and Head of Children's Unit, Council of the Baltic Sea States Secretariat**

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

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

The first two meetings in this series focused on the best interests of the child in transnational cases and return as well as the relevant international and European standards. The reports and presentations from the meetings are available on the CBSS website, as also the reports and presentations from this meeting will.

Each consultation had an attendance of almost fifty experts who represented local and national authorities, UN Agencies, national and international NGOs, service providers and practitioners from the Nordic and Baltic States, representatives from Member States of the European Union and the Council of Europe, and beyond.

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

Despite the progress made, there remain many challenges in ensuring the safety and well-being of children on the move and assessing their current situations, their family backgrounds and personal histories, their motivations for migration and the related risks, aspirations and pressures from family members, smugglers or exploiters. Many of these challenges have been discussed at the previous expert consultations. New questions and emerging issues were raised to which solutions are not yet readily available.

This report summarises the key outcomes and conclusions that resulted from the third meeting held in Vilnius, Lithuania, on 9 and 10 September 2014. It incorporates the contributions made by the speakers and the reflections and discussions among participants, specifically on the challenges and issues that still require further clarification. The speakers' presentations and the meeting agenda are available from the CBSS Children's Unit website.<sup>1</sup>

## **Key note speech: National and transnational protection of children from exploitation**

### **Maud de Boer-Buquicchio, UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography**

The discovery by Spanish coastguards this summer of a baby girl, just a few months old, alone and without her parents, aboard a 'toy boat' in the waters off Spain's south coast, was shocking news. The baby girl, who was given the name of Princesa by Red Cross workers, was found soaked, shaking and with a 38.5C temperature in one of the 94 inflatable boats that reached the Spanish coast that day, Spanish media reported. While she shared the boat with other would-be immigrants, including children, none of her parents were aboard the vessel.

This story had a relatively "happy" end, as she was taken to a refugee centre and eventually her mother was identified in Morocco. She is now staying with a foster family. The decision whether to repatriate the little girl or allow the mother to join her is yet to be taken.

This story illustrates to the extreme how desperate people, who in order to escape from conflicts, war, dictatorships, gang or other violence, hunger and extreme poverty, are ready to risk their lives and that of their beloved ones in search of a better future.

Every day we can learn about new figures representing the ever growing number of children who have left their country in search for a better life, either accompanied or alone. Many of them board on totally unreliable vessels to cross the Mediterranean, others attempt to cross terrestrial borders clandestinely, by night, and almost all of them are manipulated and exploited by unscrupulous traffickers who make a business out of their vulnerability and despair. And, as we all know, many of them never make it to their destination. Not to talk about the invisible, the individual child who seems to come from nowhere and who all of sudden is identified as victim of trafficking, primarily cross border, and sexual exploitation?

Some of these children have begun their journeys with parents or siblings and are subsequently separated from family members and taken by child traffickers or smugglers. Some of them disappear from refugee or migrant reception centres, which is frequently the beginning of a journey into exploitation. Others have left their family on their own volition but have been lured into this abject business by deceit.

Whether pushed away or on their own initiative, these children often end up in even worse scenarios than those they left behind, falling victim to kidnapping, trafficking, sexual exploitation, economic exploitation, including forced donation of organs, forced drug smuggling and begging.

The UN mandate on the sale of children, child prostitution and child pornography was created by the UN Commission on Human Rights in 1990. It is mandated to analyse the root causes of the sale and sexual exploitation of children, identify new patterns, promote best practices on measures to combat it, as well as comprehensive strategies to prevent it, and make recommendations on the protection of child victims, including their rehabilitation and recovery. The work of the mandate is

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

mainly articulated around country visits, actions on individual cases through communications sent to States, thematic studies, awareness raising activities, and advice for technical cooperation.

The sale and sexual exploitation of children can take various forms, which are often combined: the sale of children for the purposes of sexual exploitation, transfer of organs, forced labour, or adoption; child prostitution and sexual exploitation of children in travel and tourism, sexual slavery, sexual exploitation of child domestic workers; child pornography, and sexual exploitation of children online.<sup>2</sup>

All these forms are often interlinked with other crimes, such as trafficking, forced labour, and slavery, and have a major impact on the human rights of their victims. The UN Human Rights Council has created ad hoc thematic mandates to address, from a human rights perspective, these specific issues of concern, such as the mandate on contemporary forms of slavery, the mandate on trafficking in persons, especially women and children, and the mandate on human rights of migrants. All UN special rapporteurs or independent experts are mandated to work in close coordination, in order to ensure complementarity. This is the case of my mandate, which works in coordination with, for instance, the mandates on trafficking and that of human rights of migrants, when tackling cross-cutting issues, such as the protection of children on the move.

Recently, together with the SR on human rights of migrants, the SR on trafficking in persons and the SR on violence against woman, I urged the US authorities to address the plight of unaccompanied migrant children arriving from Central America, mandatorily detained in detention facilities at the border where they are allegedly subject to sexual abuse and exploitation, moreover without access to refugee status determining procedures.

Whatever form it takes, the sexual exploitation of children is a growing worldwide phenomenon that operates across borders. The increase in the sale and trafficking of children for sexual purposes is due, among others, to a constant shift in destinations for sex-tourism to countries with weak legislation and controls.

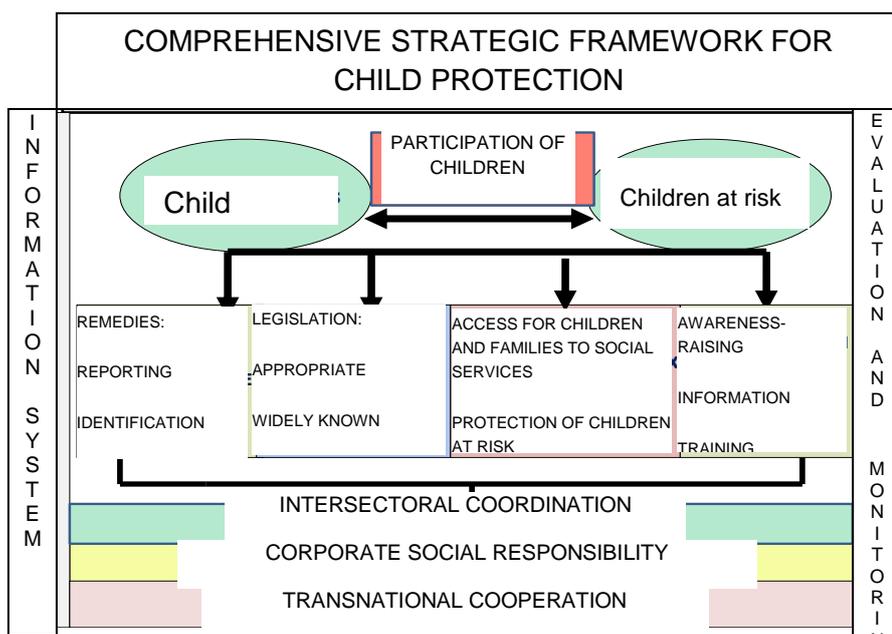
There is also a growing borderless availability of child pornography online, including live streaming of sexual abuse of very young children. Grooming/sexting (sexual solicitations) through social networks, internet, mobile phones and other evolving technologies are also on the rise, often a prelude to life abuse.

The root causes and risk factors of the growing phenomenon of commercial sexual exploitation of children are complex, multidimensional, and constantly evolving. On one hand, there is an increased vulnerability of children to sexual exploitation, linked to poverty, humanitarian crisis (i.e. conflicts, natural disasters, and displacement), underdevelopment, inequality, social norms, and broken or dysfunctional families. On the other hand, there is an increase in the demand for sex with children, which is coupled with the transnational dimension of the phenomenon. The so-called push factors are various and interlinked at the local, national, regional and international levels.

In order to effectively prevent and combat the trafficking, exploitation and sale of children, my mandate consistently advocates for and promotes the establishment of comprehensive national child protection systems (see below figure).

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<sup>2</sup> Sale of children is defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration” (Art. 2 of the CRC Optional Protocol on the sale of children, child prostitution and child pornography). Hence the sale of children includes an element of payment (in cash or in kind) and the transfer of a child from one person to another. However, sale of children is not limited to sale for the purposes of sexual exploitation, but it also covers other purposes, such as organ transfer, child labour, and adoption (Art.3 of the Optional Protocol on the sale of children).



To be effective and comprehensive, **national** child protection systems must include the following components:

- (i) A legal framework prohibiting, preventing and responding to all forms of sale and sexual exploitation of children, compliant with international human rights norms and standards;
- (ii) Reliable and updated information on the sale and sexual exploitation of children (data collection and analysis);
- (iii) Early identification / detection, protection, care and follow-up / recovery of child victims;
- (iv) Preventive measures (e.g. registration at birth, access to socio-economic services, research, education and awareness-raising);
- (v) Child participation and empowerment;
- (vi) Independent monitoring and regular assessment (of child protection policies, strategies and programmes);
- (vii) Corporate social responsibility.

Comprehensive, appropriately structured and resourced child protection systems must be developed under a cohesive plan of action (or integrated into existing development plans). Such systems should include targeted legislation, multisectoral policies and programmes that clearly identify the primary actors, their roles and responsibilities, follow-up activities and regular assessment and monitoring activities. National plans of action must be decentralized and developed at the local level.

In her thematic and country visit reports, my predecessor has emphasized the importance of a systemic approach and has focused her recommendations on the various elements of a child protection system. While a large number of action plans and strategies have been developed, they are very often only partially or incompletely implemented in some countries owing to:

- Weak institutional capacity;
- Inadequate allocation of resources;
- Multiple sectoral action plans and insufficient coordination among actors;
- Shortage or absence of monitoring and assessment mechanisms to measure the impact of actions undertaken.

Moreover, due to the transnational character of the phenomenon, the implementation of a rights-based and comprehensive child protection system requires **effective cooperation at the national, regional and international level**.

In the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents it was recommended that a comprehensive framework be established by 2013 to harmonize and facilitate coordination and cooperation at the national, regional and international levels among all relevant stakeholders, including child-led organizations, to enable and support concrete actions to prevent and stop the sexual exploitation of children and adolescents.

Over the past few years, international cooperation to address the sale of children, child prostitution and child pornography has increased:

- a) The International Child Sexual Exploitation image database is a powerful intelligence and investigative tool Managed by INTERPOL and funded by the European Commission. It was launched in 2001, revamped in 2009, and is regularly updated with the latest technology, which allows specialist investigators to share data with colleagues across the world. It uses sophisticated image comparison software to make connections between victims, abusers and places. Police forces in almost 40 countries are currently connected to the database and cooperate in the identification of child sexual exploitation victims and their abusers. By the beginning of 2013, the database had enabled identification of 3,000 victims and 1,500 offenders from more than 40 countries, as well as data related to numerous unidentified victims whose cases are yet to be investigated.
- b) The Virtual Global Task Force, established in 2003, is another good example of international cooperation. It is an alliance of twelve law enforcement agencies that seek to build partnerships with non-government organizations and the private sector to help protect children from online child abuse. Its objectives are to identify children, ascertain the whereabouts of and assist children at risk, and identify predators for accountability. Since its creation in 2003, it has helped rescue hundreds of children from sexual abuse, prompted investigations, and identified hundreds of offenders around the world.

The sale and sexual exploitation of children is a global phenomenon. To effectively prevent and combat this scourge, there is a need to establish global responses, through a **global legal framework and sustainable transnational cooperation**.

Transnational cooperation to identify victims, prosecute offenders, and dismantle criminal networks involved in the sexual exploitation of children is still inadequate and insufficient. Numerous transnational initiatives have been undertaken, including cooperation between the police force and the judiciary. However these are still insufficient: there is an urgent need to build a comprehensive and child rights-centred transnational cooperation, by:

- (i) establishing a comprehensive and global legal framework to prevent, prohibit, and protect children from all forms of child sexual exploitation;

- (ii) sharing and updating information related to child victims and offenders;
- (iii) harmonizing practices and procedures;
- (iv) sharing expertise and scaling up good practices, including regular assessment and monitoring with the involvement of children;
- (v) providing sustainable support to developing countries<sup>3</sup>.

## **Migrating children**

Even if migrating children are not the only group of children at risk of becoming victims of trafficking and exploitation, their particular vulnerability makes them an easy prey.

Across the world millions of children migrate every year, some within their countries and some across international borders. The complexities and conditions under which child migration takes place and the increased risks for this young population of migrants requires international cooperation for comprehensive national responses and international responses. Despite the numbers, the needs and interests of migrant children are largely absent from mainstream debates on migration, as well as those about child protection.

The transnational dimension is a key factor of the situation of migrant children. Child migration is a process, a cycle involving many countries (countries of origin and destination and one or more countries of transit and other third countries). There are many disparities in respect to laws, data processing, practices, procedures, approaches, information sharing, and cooperation modalities among countries.

Migrant children are by no means a homogeneous group: accompanied, separated or alone, varied ages, boys, girls, migrating through irregular or regular ways with those who enter a country regularly but end up in an irregular situation, born in transit or destination countries, victims of trafficking/sale, asylum-seekers, refugees, children left voluntarily, children seeking family unit with migrant parents, documented or undocumented, with nationality or stateless.

Very often, the lack of regular means to migrate leads many unaccompanied migrant children to use smugglers or other intermediaries and embark on dangerous journeys to reach their intended final destination. Many do not reach their intended destination and end up stranded in countries en route, facing the risk of being detained, abused and exploited. Those who do arrive at their destination are at a high risk of exploitation.

Despite the almost universal ratification of the Convention on the Rights of the Child and its 3 protocols, and the increasing number of ratifications of international and regional instruments related to the protection of children and their rights, too many children in migration situations, particularly those migrating irregularly, still face too many violations of their human rights.

Migration is often seen by States either as a “problem” which needs to be overcome through a repressive and security approach or a reaction to an emergency situation (in the case of asylum-seekers and refugees) or a transnational crime (in the case of victims of sale or trafficking).

The fate of refugee children, trafficked children, migrant children or any children reaching or crossing the borders largely depends on the discretion of border authorities whose primary consideration is the immigration status of children and not the best interests of the child. The prevention and protection from exploitation of children on the move should be a primary concern:

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<sup>3</sup> Humanitarian and other programmes should include prevention programs, allowing to prevent children from embarking upon dangerous migration trajectories. This should include both the promotion of effective protection measures for children as well as the funding of programmes aimed at preventing children from being sent away or leave their country voluntarily in search for a better life.

these children, due to their particular vulnerability, are potential and real victims of trafficking and exploitation. Stateless children are particularly vulnerable, whether *de jure* or *de facto*.

Effective policies for the protection of children in the context of migration call for a swap in focus from the security approach to that of protecting the child's best interest and comprehensive and child rights centred transnational cooperation aiming to protect, promote and fulfil the rights of migrant children, independently of their immigration status should be our common aim.

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

Legal gaps persist in many countries. Many children because of their irregular situation and/or that of their relatives are not considered as minors because of the way of determination of the minority that is often detrimental to the child, have no access to legal representative/guardianship<sup>4</sup> and to justice, are not well informed, cannot attend school, vocational training, do not benefit from healthcare and accommodation, are deported or detained.

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

Services of medical, psychological and social care are still insufficient and not easily accessible. These services are geographically limited and the capacity to provide comprehensive and sustainable care as well as regular follow-up to children remains inadequate. A large number of children's shelters are not governed by the standards and norms of child protection and are not subject to regular monitoring.

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

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

The judgment of the ECHR in a case against Belgium<sup>5</sup> sets important safeguards for the conditions under which a return of a child is acceptable seen from the perspective of the ECHR. In this particular case the Belgian authorities did not seek to ensure that the deportee, a five year old little

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<sup>4</sup> See also standards developed in the FRA Handbook: Guardianship for children deprived of parental care-A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking.

<sup>5</sup> *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, Judgment ECHR of 12.1.2007.

girl expelled on her own (!), would be properly looked after or have regard to the real situation she was likely to encounter on her return to her country of origin.

Moreover, an in-depth debate is needed on whether the Dublin Regulation should not be abolished or at the very least can be applied in a way that takes into consideration the child's best interest, in line with the European Commission's proposal to amend Article 8(4) of the Dublin Regulation.<sup>6</sup>

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

The establishment of well functioning child protection systems has been crucial in the assessment by my predecessors of country situations:

The following are two examples:

### **Kyrgyzstan**

With input from civil society, UNICEF assisted in developing the 2012 Children's Code in Kyrgyzstan, which includes provisions for the establishment of a comprehensive child protection system. As is often the case, the Government has taken significant steps to introduce new laws, most notably the Children's Code, and other policies to strengthen the protection of children from sale, prostitution and pornography and, of children's rights in general. However, the Government is struggling to ensure a sustained impact on the lives of vulnerable children owing to the unknown extent of the sale of children, child prostitution and child pornography in the country. Existing policies on child rights are weak and are also limited by the lack of resources and a failure to implement adequate monitoring and evaluation systems not only of legislative and institutional policies and programmes but also for institutions working with children.

After her country visit, my predecessor urged Kyrgyzstan to continue to work towards the implementation of all the range of instruments and strategies at its disposal to ensure a comprehensive national child protection strategy centred on children's rights.

### **Madagascar**

Trafficking in persons, including children, to neighbouring countries and the Middle East, for domestic servitude and sexual exploitation purposes, is a major problem in Madagascar. In recent years, Madagascar has developed numerous child protection policies and action plans.

The Governance for Child Protection programme, developed in cooperation with UNICEF, should strengthen the institutional and legal child protection system. It aims to establish and strengthen the community-based system to protect children from violence, abuse and exploitation and helps put a stop to the non-registration of children at birth.

During her official visit to the country, my predecessor noted that it was difficult to assess the real impact of these policies in the absence of a standardized information system providing sound knowledge of the number and profile of child victims and children at risk, and of a monitoring and evaluation system measuring the impact of initiatives undertaken on the situation of children. She regretted that many policies, action plans and programmes could not be properly implemented owing to the many obstacles at the executive level and also a serious lack of resources. The

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<sup>6</sup> COM(2014)382final: Proposal for a regulation of the EP and of the Council amending Regulation (EU) No 604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State

Special Rapporteur also noted with regret the absence of a comprehensive national child protection policy.

Notwithstanding the initiatives undertaken, the support provided to children remains highly fragmented and suffers from a severe lack of resources. The Special Rapporteur stressed the need to take urgent action to create a comprehensive child protection framework. Eliminating child sexual exploitation in Madagascar is a long-term process that will simultaneously require (a) capacity-building in institutions and services for children, (b) combating corruption and impunity, (c) ensuring operational intersectoral coordination, (d) establishing accountability mechanisms, (e) implementing sustainable social and economic alternatives and (f) promoting protective social norms.

In order to strengthen regional and international cooperation and effectively combat these activities, which transcend borders, the Special Rapporteur recommended that Madagascar:

- (a) Strengthen its efforts to share information and cooperate with the police and judicial authorities with the aim of: (i) identifying more child victims and providing input into the INTERPOL database; (ii) arresting the perpetrators of the crimes; and (iii) dismantling child trafficking rings;
- (b) Involve sex tourists' countries of origin in preventing child sex tourism and in sharing information on the predators, as well as in enforcing penalties;
- (c) Seek technical and logistical support from countries with the necessary resources and expertise.

As I am only at the beginning of my mandate, I am here to learn from you and replicate examples of good practises which exist in many of the States here represented.

I am also aware of many good initiatives all around the world frequently the result of the initiative and involvement of civil society organisations to whose work I would like to pay tribute.

This summer I read in Italy about the initiative of the local population of Pozzallo, a small village in Sicily, hosting 40 minor migrants children, who, pending the determination of their further status and transfer, start teaching them Italian by inviting them to tell their story. The speed with which they acquired knowledge of the language in a playful manner was amazing and a prelude to a first step to integration.

Let me give you just one example of transnational fosterage of unaccompanied children.

Like so many other children in Africa, many children in West Africa (Côte d'Ivoire, Liberia, or Sierra Leone) have faced wars and have had to flee on their own or have ended up separated from their families. While immigration control and child welfare remain perplexed about balancing the rights of children and expulsion of aliens, the ethnic and extended family ties prevalent in West Africa have stepped up to give unconditional protection to many separated and unaccompanied children in West Africa.

Let me end by quoting a sixteen year old boy from the Côte d'Ivoire<sup>7</sup>: "I was in school when we heard gun sounds. The teachers released us to go home. I ran to the house, but I couldn't find anyone. I saw some people running, so I joined the group. We took the Guizé road, that is, we passed through the bush. In the bush we came upon a small village. The people I came with joined a vehicle and left me there. I started crying. Someone in the village called me over and said I could

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<sup>7</sup> Shepler, Susan, *A child's story*, Transnational fosterage of war-affected children in West Africa: Immediate coping capacities across borders, UNICEF, West and Central Africa Regional Office, Dakar, 2005.

spend the night. I explained my story to him and said I will live with you and work so you can feed me. After a few months, the man asked if I had been attending school before. The man brought me to Nzoo to register me for school. The whole time the man was afraid that my parents would come and accuse him of stealing their child.”

Of course, without the involvement of authorities, which by the way is not necessarily a guarantee, things can also go terribly wrong, but I would like to believe that this man saved a child's life and gave him a future, something which we would all like to be able to say at some point in our lives.

## **The case management cycle in transnational situations: Challenges identified in the CBSS Expert Meeting series**

### **Daja Wenke, Independent Child Rights Specialist**

With this presentation, I am summarising some of the key reflections and challenges on case management that have been identified and discussed during the previous expert meetings organised by the CBSS Children's Unit and partners. The presentation does not address all elements of the case management cycle but provides an overview of particularly contentious issues that officials and practitioners are confronted with in the region when addressing transnational child protection cases. For many of these contentious issues, we do not yet have readymade solutions at hand, so these and others will continue to surface as we continue our discussions and deliberations.

#### *Stereotypes and attitudes*

Previous speakers have noted how stereotypes and attitudes over children on the move keep prevailing among officials and practitioners working with and for these children. These stereotypes and attitudes shape the perception of these children, who they are and how they should be treated. With regard to child victims, especially victims of trafficking, we have heard that they are often considered as severely traumatised and highly vulnerable. Whereas a common perception of unaccompanied asylum seeking children is that they are particularly strong and resilient, and that this was both a reason for them to migrate and a result of the rough experiences they have been through during the journey. Independent child migrants on the other hand, especially those moving within the EU, are often considered as trouble makers and criminals. In the cases of the Roma minority, a widespread perception is that they have chosen to live and move under precarious conditions as this is their way of life and part of their culture. Although we are aware that these stereotypes and attitudes exist, we need to understand better how they actually impact the case management of children on the move. Training and information can sensitise professionals working with and for children on the move, such as immigration officers, services providers and policy makers. The objective would be that stereotypes and attitudes do not guide the measures taken but that each child is considered as an individual person and the case is managed accordingly.

#### *The challenges of identification*

States invest strongly in the identification of children on the move according to their status and certain 'categories', such as unaccompanied asylum seeking children, child victims of trafficking or irregular migrants. Guidelines, check-lists and training material have been developed at the national, European and international level to support immigrant officials and front-line staff in the correct identification of children on the move. Experience and evidence have however shown that the official identification of children is challenging and remains often inefficient and impractical. Nonetheless, the entitlements of a child and the access to support services still depend much on the official identification of the child according to a specific 'category' and the applicable procedures. Considering the challenges, it may however be timely to question how much priority

should be attached in practice to identification and definitions. Which professional groups should be guided by formal definitions and to which extend are these definitions considered authoritative? The definition of a refugee, for instance, will be important for case managers in the asylum system, whereas law enforcement officers need to be guided by criminal definitions such as that of a child victim of crime and a victim of trafficking specifically. Yet, for service providers, the status and category of a child might be considered secondary while the primary point of reference might be an individual assessment of the child's situation and his or her specific needs, risks and rights.

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

When discussing responses to children on the move, we tend to call for a 'child protection approach'. In fact, the protection of children from violence is fundamental and can be considered an imperative that is cross-cutting and underlying all measures. Safeguarding children is however much broader than protecting them from violence, abuse, exploitation and neglect. It is about safeguarding all the rights afforded under the Convention in a holistic way, giving due regard to the needs, aspirations, capacities and longer-term development of the child. Experience and evidence show that protection measures are likely to be more effective when they are embedded into a coherent and holistic approach that promotes children's rights and needs with regard to education, work, health, mobility, family responsibilities and contact rights, including options for family reunification. It would therefore be important to consider how the current protection focused responses can evolve into a continuum of services for prevention, protection and empowerment.

*Establishing and transferring jurisdiction*

The Convention on the Rights of the Child applies without discrimination to any child who is within the jurisdiction of a country. This refers to the children who are present on the territory of a state. Yet, being on the territory of a state does not automatically imply that the authorities of that state have the full jurisdiction over the child in judicial matters. In transnational child protection cases, there are still no unified procedures to clarify which country holds the jurisdiction over a child. Local authorities that are handling the case of a non-national child need to establish, which country holds the information about the child and if a case is pending anywhere that involves the child and his or her family. The Conventions of the Hague Conference on Private International Law that concern child protection and family law matters provide for clear guidance on how to establish the jurisdiction over a child or how to transfer it to another state if and as applicable. The same level of clarity has not yet been achieved for cases concerning children on the move, although they may be equally relevant. There are many questions that remain unaddressed in transnational child protection cases, especially in cases where immigration law and family law intersect. It remains often unclear, which Conventions and regulations apply and cases might be handled in an ad hoc manner and in a legal limbo. Clear regulations and procedures would be essential to create clarity for case managers and local authorities and legal certainty for the children and families concerned.

*Continuity in care planning: Mutual recognition of decisions*

The presentations and discussions at the previous expert meetings have revealed that in transnational cases it is particularly challenging to guarantee continuity in care planning and the mutual recognition of decisions made in countries of origin and destination. The resulting challenges are particularly pertinent in cases where children are transferred or returned across borders. Care planning and case management is still processed primarily within the national context of the country where the child is currently present. Despite the growing recognition that children do move across borders and the aspirations to build a common asylum system in the EU, effective transnational cooperation in care planning and case management and procedures for the mutual recognition of decisions is still weak or missing. This leads to disruptions in the care arrangements for children on the move. Areas where the mutual recognition of decisions and continuity in care arrangements would be particularly important are the transfer of guardianship

arrangements when an unaccompanied child is returned or transferred to another country as well as recognition of age assessments and the bilateral cooperation on best interests assessments and determinations. A precondition to the cross-border recognition of decisions is however the possibility to rely on common procedures, standards and safeguards. As long as these have not been established, continuity remains a challenge. The Council of Europe has developed and promoted the concept of life projects for unaccompanied children, which might be looked into as a model for enhancing continuity in care planning, including in cross-border cases.

#### *Misinterpretation of the CRC and reluctance to take decisions*

Repeatedly during the past expert consultations, we have heard about unaccompanied children who are not granted refugee status but leave to remain up to the age of 18 years old. The age of 18 becomes then a rigid cut-off for children who transition abruptly from looked-after children to adults whose asylum claims have been rejected and who have to leave the country. The situation for these young people is drastically different from those who are looked after in the national care system and for whom after-care is made available in many countries up to the age of 21 or 24 years old. In light of this situation, the introduction of the concept of youth and specific youth policies in support of the development and empowerment for youth on the move has been called for. The discussions during the previous meetings have reached a clear conclusion that granting leave to remain up to the age of 18 cannot be considered in line with the Convention on the Rights of the Child. The Convention affords that the best interests of the child with regard to stay or return are being assessed individually for each child. Taking decisions about the return of unaccompanied children is considered politically sensitive and this might be one of the reasons why many administrations are reluctant to conduct comprehensive assessments and to take decisions over return. When children are given leave to remain, there are little chances that they benefit from meaningful care planning and due consideration to their longer-term development. Instead, their cases appear to be 'administered' for an interim period prior to the imminent return at 18. Experience and evidence show that there are doubts as to whether this practice can be considered dignified and rights-based for the person concerned, while there are also doubts about the cost-efficiency from the perspective of the states concerned.

#### *Added value of a genuine transnational perspective to case management*

Concluding from the discussions held over the past expert meetings, we can identify some factors that might guide us towards a genuine transnational perspective in care planning and case management for children on the move and the added value that this implies for children, families and states. There is a need to raise more awareness of the shared responsibility between countries of origin and destination to work together in handling the cases of children on the move. It is important to ensure that national child protection systems are effectively connected across borders in order to strengthen their capability to offer continuity in care planning and case management for children on the move. We have seen that central authorities can make a significant difference in facilitating this cross-border cooperation and providing supervision and oversight. Central authorities need to be established where they are not yet in place and equipped with a strong and broad mandate that allows them to work effectively with all transnational cases involving children. At the same time, cross-border cooperation and services offered to children on the move should not be limited to protection measures but ensure that children benefit from a continuum of services for prevention, protection and empowerment. The Convention offers the basis for such services and a common platform for the cooperation between different agencies. It can guide not only child rights and protection services but also law enforcement and migration management and align their different agendas to more coherent policies guided by the principles and rights afforded under the Convention. In responding to children on the move, it would be important to promote a mindset change from 'administering a problem' towards more proactive and empowering measures. Policies and practice, specifically in the case management and care planning, need to evolve from considering children on the move primarily as vulnerable individuals towards also recognising and promoting the opportunities, evolving capacities and resources that

these children offer. This can constitute an entry point for understanding better the linkages between migration and development, from a child-centred and rights-based perspective. Investing in the development of these children and their potential to support the development of their communities and nations can lead us to a different perspective on children on the move in the future. This debate is relevant for the European perspective, including the internal and external dimensions of the EU, and the global debate on the post-2015 development agenda.

## **Session II: Case examples**

### **Judicial control of weighing the child's best interest in administrative decisions**

**Peter Banda, Judge, District Court of Overijssel, Netherland**

I would like to speak about the way in which judges in the Netherlands can control the way that administrative authorities apply the best interests of the child in their decision making. To assess the possible impact of judicial control in child protection cases, I will first make some general observations on the legal framework in the Netherlands on the control of weighing the child's best interests. Secondly, I will discuss a case that was recently in the Dutch Supreme Court. As this is a legal case and I am speaking from the judicial perspective, I will not make reference to the case management itself. Thirdly, I will draw some conclusions.

#### *Judicial control over administrative decisions*

Some general remarks on judicial control and the legal framework: There are limitations to judicial control and we could call some of these 'natural limitations'. A judge needs to keep a distance. Administrative authorities may be afraid that the judge will sit in their chair and take on their competences but this is not something that we like to do. As judges, we have to maintain the judicial distance as our task is the judicial control rather than being the primary decision makers. Judges are not equipped for that and do not have the relevant knowledge or tools. This means that judges will only interfere with the decisions that we control when we think that there is something wrong from a legal perspective. Another natural limitation is that in controlling the decisions taken by administrative authorities, we limit ourselves to the legal aspects and consider whether a decision was taken in a regular way. It is easier to exercise judicial control from a purely legal perspective while it would be challenging to take into account every detail of the much broader reality and context of a case. Another limitation which might be a little less 'natural' and less desirable, is that in any legal system there are systemic advantages and disadvantages for the different parties involved. The law tends to favour those who are well organized, well connected and who have the authority to make the first decision.

There are also some limitations that we might consider 'unnatural' and undesirable. In our legal system, for instance, we have competition between different legal departments. I have to deal with three different appeal courts. My alien law cases go to the Aliens Appeal Court, which is a division of an advisory body of the government. Social security cases go to the Social Security Appeals Court, and other cases in civil or criminal courts go to those appellant courts. These are different appellant courts from different institutions. It looks sometimes as if they were competing with each other. The appellant courts in aliens law and social security law have a limited jurisprudence and might be seen to be more inclined towards the position that the government is taking in these areas.

There is another legal aspect that needs to be mentioned here briefly. In the Netherlands, we do not have a form of judicial review by courts, so the courts are not allowed to dismiss a statute that was adopted in Parliament on the grounds that it was unconstitutional. We do have the possibility though to apply directly the provisions deriving from international law and can apply them when

legislators go against what is considered lawful under international law. There is however a limitation to it as the provisions in international law must be clear and directly applicable to judges without a need for further legislative clarification. So that limits a bit the scope of action of the judge.

With regard to weighing the child's best interests, there are general clauses in administrative law that provide that every administrative authority is obliged to consider the best interests of the child and to motivate relevant decisions. The Administrative Code provides for general clauses that provide that administrative decisions need to be informed by a „careful consideration of all interests concerned” and that there is an „obligation to motivate” these decisions and how the interests have been taken into consideration. These provisions need to be understood and applied in light of human rights treaties, in particular the European Convention on Human Rights and Fundamental Freedoms and the EU Charter Article 24 on the rights of the child, as well as other relevant European Union law and regulations concerning the rights of the child, in so far as they are suitable for direct application. In addition, special treaties can be applied such as the CRC and in particular CRC Article 3, which states that the child's best interest should be a primary consideration in all matters concerning children. Affording that any criterion should be a primary consideration can however cause problems in making the provision applicable. Having something to be a primary consideration may reduce the priority attached to it. Should it not rather be the final consideration?

*Case example: Care for children who have to return*

This is a legal case that came to me in court. In this case, the persons concerned were a mother from Angola who arrived in the Netherlands in 2001 with a 2 year old child. She had two more children who were born while she was staying in the Netherlands, in 2002 and 2008. The woman had applied for asylum in the Netherlands but received a negative decision and her appeals were rejected. The authorities tried to expeditiously expel the mother and children and in this context ordered a limited pre-removal detention of the mother and children. According to Dutch law, a person who does not have a right to stay in the country has an obligation to leave, to take measures to this end and to actively cooperate with the authorities in the return process. The mother did not do this, she did not cooperate but actively frustrated the efforts of the Dutch authorities to plan and initiate her expulsion. She had been warned repeatedly by the Dutch authorities that her situation was not sustainable and that the limited support for reception and financial aid that she received during this process would eventually end. In the meetings with the immigration authorities, the mother was warned that her stay in the reception facility was soon to be terminated. The authorities decided not to apply to the Ministry for an extended period of care and aid, but took recourse to the civil court system to apply for an injunction to end the support services that the woman and her children were receiving at the moment.

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

The case went to the Appellate Court, which granted the claim and ordered the state to continue support and reception until the children reached majority, as long as the children were in the Netherlands and as long as other means of support were not granted. The young child was born 2008, so the continued assistance would have to last until 2026 if the expulsion was not executed before. The court said that it was not illegal to end the reception facilities for the adult woman but it was for the children under the care of the mother. It referred to Article 8 ECHR on the right to family life and private life. The state had an obligation to protect the child if the parents did not do that and that the children were not accountable for the mother's lack of cooperation with the

authorities in her own expulsion. The children were very young and it was not established that the children would be adequately cared for after finishing the reception arrangements. The court said that adequate care for the children could not be guaranteed after the reception facilities ended because no authority would then have the legal duty to track the family and monitor the situation of the children. An intervention by the youth protection authorities would mean that the children would be taken away from the mother. For the children's right to family life and private life under article 8.2 ECHR is conclusive whether during the limited time until their expulsion or departure it is „necessary” for the State to deprive them of daily care, housing, medical care and schooling or to separate them from the mother. Weighing the interests of the children against those of the State leads to the conclusion that this was disproportionate and therefore not justified. The Supreme Court upheld the decision of the Appellate Court. It considered CRC Art. 3.1 as well as the European Reception and Return Directives.

It was interesting to see the reactions to this judgment from the side of the ministerial policy. Ending the reception facilities is considered an important part of the return policy of the Dutch Government. After the final verdict, the ministry adopted a new policy that provided for leave to stay for children and members of their families whose asylum applications had been rejected and who have been in the country for at least 5 consecutive years. This policy was put into place retrospectively from the date of the verdict of the Supreme Court in this case.

### *Conclusions*

Where a child's interest is *primarily* at stake, it should be the *final* consideration rather than a primary consideration, if it is to balance the scales. Being wealthy, organised, connected, repeat-players and powerful (to give binding decisions) will give administrative authorities a structural advantage in legal proceedings. In testing the regularity of administrative decisions, judges will rely on rules that are specific rather than general. Judges will allow the administration more space for deciding in cases where the legal framework is less specific.

Given the broad and general wording of the provisions referring to the rights and best interests of the child, these provisions may not be directly applicable and the judicial intervention will tend to limit itself to only the most extreme cases. Against this background, we can conclude that in many individual cases concerning children's rights, the judicial review will most likely not be an effective means of intervention. In many cases concerning children's rights, the judicial review of decisions will most likely not interfere with administrative decisions, but where it happens, policy makers will most likely make changes to the legal and policy framework. That means it is a means of control, we cannot do without it but cannot fully rely on it also.

*During the discussion*, the participants noted that the verdict issued by the Dutch court could be of interest to other countries as well. It would be important to unpack general principles such as the concept of the best interests of the child into criteria that pinpoint what are the minimum requirements and to make the laws on the best interests of the child thereby more specific and directly applicable in procedures and judicial review. Achieving this is however difficult, especially in transnational situations where entitlements and safeguards might differ significantly between countries of origin and destination. The best interests of the child needs to be considered on an ongoing basis and assessed periodically. The actual decision over the best interests of the child can only be taken at the end of a comprehensive assessment and can therefore be considered a decision more towards the final point of the relevant assessments, yet given primary consideration as regards the weight and priority that should be attached to it.

In order to make the principle applicable, it would be important to achieve a more specific wording in national laws, policies and procedures, to avoid that other, more specific laws take precedence and override the best interests considerations. Policy makers, advocates and practitioners are called upon to work together to achieve conceptual clarity and specific wording.

## **Panel I: Return of children victims of trafficking**

### **Case Example: Girl trafficked from Lithuania to Norway for exploitation in criminal activities**

**Odeta Tarvydiene, Director, State Child Rights Protection and Adoption Service, Lithuania**

**Rita Augutiene, Project Manager, IOM, Lithuania**

**Jolita Juskeviciene, Kaunas region coordinator for 'Aid to the Victims of Trafficking and Prostitution', Caritas, Lithuania**

In 2010, the law enforcement authorities in Bergen started investigating cases of child trafficking for exploitation in criminal activities involving children and traffickers from Lithuania. For the service providers in Lithuania, this case was the first of its kind that they were confronted with and which involved cross-border child trafficking and exploitation in criminal activities.

In October 2011, two Lithuanian citizens were sentenced by the court in Bergen on charges of child trafficking. They were sentenced to imprisonment for four years and six months because they had brought four children aged between 15 and 17 years old from Lithuania to Norway for shoplifting. The children were recruited from poor families in the Lithuanian city of Tauragė, and were exploited in Norway between June 2009 and February 2010. The investigation revealed that some of the parents had been paid 100 LT (approx. 30 Euro) to hand over the children and the children followed the traffickers to Norway in the hope to earn money to support themselves and their families in providing for daily needs and school equipment. Once in Norway, the traffickers instructed the children what to steal and equipped them with special bags that had been prepared to be alarm safe. The children had to hand over the stolen goods to the traffickers who arranged the transportation to Lithuania where the items were sold. The economic damage caused by the stealing amounted to approximately 60,000 Euro (500,000 NOK or 200 000 Lt).

While in Norway, the children were taken to shopping centres and given instructions on what to steal. The living conditions were very bad, they had to sleep in the car and use the public bathrooms in filling stations. The children did not have money of their own and also had to steal the food for their own use. They did not speak Norwegian, did not know the country and could not ask for help. When a child refused to steal, the traffickers threatened to abandon him or her in Norway and the children were also made to steal in order to pay for their return trip to Lithuania. Even after they testified at the police, some of the children were threatened and one of them tried to commit suicide. Two children refused to return to Lithuania and remained in Norway, while one girl chose to return to her home town.

In 2009, the IOM Office in Oslo received a formal request from the Norwegian child protection services to conduct a family and risk assessment for the girl. IOM Oslo requested the IOM Office in Vilnius to conduct a security assessment prior to the girl's return as the girl had stated that she had been living with her mother in Lithuania before coming to Norway. She did not have much contact with her father who used to be violent. The police district attorney in Norway decided to return the girl to Lithuania as she had expressed the wish to do so. There were first indications at the time that she could be a victim of trafficking but the girl refused to give any information about the man who had taken her to Norway and had deleted all contact details from her telephone SIM card. Evidence to support the suspicion that this could be a trafficking case were missing. The Lithuanian Embassy in Norway confirmed the girl's identity and contacted her mother who did however not have any financial means to pay for the girl's return ticket to Lithuania.

IOM Lithuania contacted the family to assess if the girl could return to the family and was looking also into alternative care arrangements for the girl. At that time, the trafficker was still unknown and the family assessment should also clarify the relations between the girl, the family and the man who had taken her to Norway. IOM had the information that this man was her boyfriend but did not

know if the mother knew about him and if there was a risk that he would get in contact again with the girl after her return. IOM Vilnius contacted Caritas Lithuania and requested their support for the security assessment. Caritas was tasked to meet the girl's family and social workers in the Tauragė region.

This was the state of information that Caritas had when they were called into the case. The local Caritas staff met with the girl's family and with the local social workers and child protection specialists who had been working with the family. The assessments revealed that the girl had been living with her mother, her older brother and younger sister before she left for Norway. Her parents were divorced. The father was alcohol addicted and violent. Her mother was also alcohol addicted and has a light mental disease. The family assessment found that the mother had weak social and parenting skills and was not able to take proper care of her children. There were problems of making the children attend school regularly and to provide adequate clothing for them. There were also suspicions that the girl's brother was recruiting girls into prostitution. Overall, the region where the family lived was very poor. The family house was very old, poorly furnished, not well taken care of and the windows and doors in the house were broken. Overall, the house looked abandoned.

Caritas sought information from the social services about how the girl had left the country. The social workers stated that the mother had told them about a young man who had driven up at the house one day. He was well dressed and had good manners and presented himself as the girl's boyfriend. He might have given the mother some money and got her permission to take the girl to Norway for holidays. So the girl went abroad with the man, with the permission of the mother. Against this background, Caritas concluded that it was not safe for the girl to return home and that she should be referred to alternative care and accommodation.

The child protection services in Norway and the girl's lawyer informed the girl about the possibility to return to Lithuania. The girl confirmed the findings from the family assessment but preferred to return despite the difficult family situation. The girl agreed to the option of returning initially to a shelter home for young girls and returning to school but she did not want to live far away from her home town as she was concerned about her 11 year old sister and wanted to be close to her. The assessment was then expanded to look into the quality of services more generally that could be offered to the girl in her home town in Lithuania. The case officers in Norway looked into the possibilities and conditions that could be offered to the girl upon return, including with regard to accommodation, care and schooling.

The IOM Offices in Oslo and Vilnius organized a trip to Lithuania during which the girl was escorted by a social worker from the Norwegian child centre. IOM Vilnius and Caritas Lithuania met them at the airport and organized interrogation at the Lithuanian Police Department. The interrogation was conducted by a police officer who was specialized on child trafficking cases. Caritas Lithuania then accompanied the girl to her home town. At that time, there was no specialized shelter for child victims of trafficking in Lithuania and this is still the situation today. The girl had expressed the wish to stay close to her family, especially her little sister. Caritas Lithuania and the local child protection services decided therefore to accommodate the girl in the local child care home operated by the social services in the municipality. The reintegration assistance was organized through the child care home.

After her return from Norway, the girl stayed at the child care home for 6 months. Her mother visited her there and she could see her sister. The girl was supported by a Caritas social worker and had psychosocial treatment in a total of 10 sessions. The treatment revealed that the girl had suicidal tendencies. She had tried to commit suicide and suffered from the impact of traumatic experiences with her family and during her stay in Norway where she had felt very lonely and isolated. Her psychological situation was very bad by the time she returned to Lithuania. She was registered at school and was offered to attend a local high school or trade school but her attendance was not successful, it was too difficult for her to integrate back into school. The girl was

also registered at the local job centre but due to the generally high rate of unemployment in the district, her lack of professional qualification and her young age, she could not find a job.

In the meantime, the municipal social workers continued to work with the girl's mother who managed to stop drinking and to take better care of her daughters. The girl gave herself birth to a daughter in 2011. The social workers of the municipality and of Caritas supported her with in kind support, medical assistance and counselling to train her on developing social and parenting skills. In November 2011, the IOM Offices in Oslo and Vilnius and Caritas Lithuania decided to assist her with purchasing a small flat.

Overall, Caritas Lithuania had supported the girl between 2009 and 2014 by providing periodical consultations with a social worker, assistance in seeing a psychologist and medical doctors, accessing school and the job centre as well as in kind assistance (food, clothing and medication). IOM had provided financial assistance between 2009 and 2010 and had paid for food, clothes and transportation, a total of ten consultations for psychotherapeutic treatment, and the purchase of the flat in 2011.

The girl did however not manage to find a job to gain a regular income and she could not establish stable relationships with her mother or with the father of her child. She owns a flat but was not able to pay for the electricity and other bills. The social workers heard later on that she went abroad with her child. There are suspicions that she has entered into a fake marriage and that she might be recruiting other girls into exploitation.

In handling the case, the social workers and IOM found it difficult to ensure the adequate representation of the girl, to ensure effective and child-sensitive information exchange and communication with the girl through a translator, and to support the girl in establishing social contacts. They were conscious that it might not have been entirely clear to the girl what was happening to her. The fact that she returned to the same context from where she had been recruited into exploitation was considered a risk to her safety and development, especially because she had testified against the trafficker in Norway, which had led to his imprisonment. There was no victim-witness protection programme to protect her back in Lithuania, which was a cause of great concern. Lessons learned from this case are that the cross-border cooperation and coordination between the different actors involved in a case need to be strengthened and there is a need for developing common standards on how to cooperate, including with regard to information exchange and the involvement of different institutions such as the embassy of the child's home country, social welfare services, NGOs and service providers, as well as law enforcement authorities.

### **Child thieves from Tauragė: Fortune hunters or victims of human trafficking? The Norwegian perspective**

**Linda Ervik, Nordic Liaison Officer, Norwegian Embassy, Bulgaria, former head of the EXIT group in Bergen, Norway**

Are these children thieves and 'fortune hunters' or are they victims of trafficking? That was the question we were facing when we started to look into the case in 2009. In autumn 2009, the police in Bergen caught a group of adolescents from Lithuania who had been involved in shoplifting. They were arrested and the police opened cases for theft. The three adolescents were referred to the child protection authorities who took them into care and one boy was convicted for shoplifting after just a few days.

The children had used alarm safe bags and they had stolen hundreds of razor blades, GPS devices, cosmetics and men's clothing. So we asked ourselves why they were alone in Norway, where were their care takers, where did they get the alarm safe bags from and why do they steal all these items? What would they do with the items when they did not speak English and could not communicate? Were they by themselves or part of an organized group? Was it by chance that they all came from Tauragė or was there a pattern behind it?

So we started to ask the question if this was trafficking in human beings. No other police districts seemed however to think that this could be the case. The child protection authorities had taken little concern with the cases. But we also thought, what else could it be? There did not seem to be any other reasonable explanations. Yet, at that time, we did not know. We had noticed so many things that raised suspicions over human trafficking so we decided to look into it. We started to look for more information and soon it became a major investigation of a trafficking case for exploitation of children in stealing.

The investigations revealed that the children had come along the same ferry route from Riga through Stockholm. There had been children and adults coming along this route together and they had in common that they all were from the same town, Tauragė. The children had all a background characterized by poor living conditions and parents who had alcohol problems. The children presented all the same cover story that they had come with Tomas who drove a black BMW. Over time, they became more confident with the police officers in Bergen and shared more information. The children confided to us that they had known that they were going to steal in Norway. They had been promised good payment but when they got here the situation was different. They had to steal all day long until the shops closed. They were instructed what to steal. A man collected the stolen goods to take them to Lithuania. The children also had to steal food for themselves, they slept in the car or in an apartment in Bergen. They had been told that they would not be paid if they did not steal a sufficient amount of items and that they would be left behind in Norway if they did not do as they were told.

The Norwegian police requested the cooperation of the Swedish police who performed a police check on one of the cars as it was crossing Sweden. There were two cars carrying eight persons in total. When they arrived in Bergen, they were under local police surveillance, which confirmed everything that the children had told.

All 8 persons were arrested, 7 were convicted for theft while two Lithuanian citizens were charged with gross human trafficking of four children. This was the first case in NOR regarding the exploitation of children in stealing. In Bergen, we have established a coordination group that comes together when we have human trafficking cases. It is an inter-agency operational team that is composed based on the nature of the case. The group includes representatives from the police, child protection services, immigration authorities, IOM, support contacts, NGOs, social services and a lawyer or counsel. Depending on the specific nature of the case, we call our partners for a meeting as early as possible. In the group, each partner contributes with the specific professional expertise, background and mandate of the institution or agency. This is crucial for resolving the different issues and challenges that are inherent with cross-border child trafficking cases. It is particularly important that we establish permanent contacts with these different institutions. If we had such inter-agency cooperation teams in each country, it would be much easier for police officers and others to contact counterparts abroad. It would be good to have a national operational team and local operational teams.

*During the discussion*, a question was raised on the nature of the transnational cooperation. The experience with this case has shown that the cross-border cooperation could have been more effective. The authorities and service providers in Lithuania did not initially receive the information that the girl was a victim of trafficking. They knew only that she was to return to Lithuania, that the girl's family and background had to be assessed and that care arrangements were needed.

In Lithuania, there are no common standards for the identification of child victims of trafficking. In some cases, the central authority receives information about children who committed crime abroad and who have to return to Lithuania. If there is information about trafficking, there should be central authorities that handle these cases in the countries where the cases are first identified and then send information to the country of origin. When we receive this type of information, we would try to

organize our work in a way to assess the risks for the child to return to the region of origin. In some cases, the wish of the child to return home may not be in the best interests of the child. So when there is information about human trafficking, the procedures could be organized in a different way, with a view to assessing the possibility of resettling the child to a different region. In this specific case, the girl was placed in a children's home and the staff received her as someone who had been involved in illegal activities abroad, not as a victim of trafficking.

The case of this girl has been much discussed as a successful case. The correct identification of the children as victims of trafficking and the successful prosecution of the exploiters in Bergen have been widely presented as a success story. The unsuccessful part was, however, that the girl was not recognized as victim of trafficking upon return to Lithuania and a major gap was the victim-witness protection for this girl. After her return, the girl did not know when the trafficker was to be released from prison and therefore she was afraid of the time when the trafficker would come back to Lithuania. It would be important to ensure that the girl is well informed and protected. The police in Norway was in contact with the girl's lawyer and the information about the release of the trafficker should be communicated to the authorities in Lithuania. But there is no transnational cooperation in place to guarantee this and to monitor the situation and safety of the child, especially a child victim-witness.

In the case of the girl and her family, it would be important to consider also the situation of the younger sister of the girl and ensure that she is adequately cared for and safe. Social services would need to monitor the family and support the mother and both her daughters with targeted assistance. A referral to a foster family could be an option and would require special training for foster parents to handle challenging cases.

The response to the case of the girl had missed an important aspect, the empowerment. There should have been attention to supporting the girl in having a regular income and to earn money in a legal way. There is a good practice example in Russia where girls are making jewellery that is sold by an organization to support the income of the girls when there is a lack of job opportunities. From an empowerment point of view this is very important to ensure that the girl is able to make a living for herself and her daughter. If she had had an opportunity to earn money on her own, her situation might be different now. These considerations should be part of the general system of support.

## **Panel II: Return of child migrants and asylum seekers**

### **Transnational Referral within the EU – The Romanian experience**

#### **Cristina Dragota, Specialist, Monitoring Assessment and Victim's Coordination Unit, National Anti-Trafficking Agency, Romania**

The National Agency Against Trafficking in Persons (ANTIP) of Romania is administratively located under the Ministry of the Interior. Its main responsibilities are related to the development of public policies against human trafficking as well as prevention and monitoring. The ANTIP works through a multi-disciplinary team and with a network of partners in all relevant areas of intervention. It receives input from practitioners on a continuous basis.

The Agency is the national contact point for the transnational referral of adults who are victims of trafficking. It coordinates the assisted repatriation of victims and facilitates their access to specialized services. The Agency monitors also the services delivered to victims of trafficking and supports them during criminal proceedings.

In 2013, the Agency registered a total of 121 transnational referrals and assisted repatriations of victims of trafficking, of which 27 cases concerned repatriations from CBSS Member States.

Among these persons, there were six children, including four children who were repatriated from the CBSS region. During 2013, a total of 149 unaccompanied children were repatriated to Romania, among whom 18 children were repatriated from CBSS Member States.

There are many challenges connected to the repatriation of Romanian children from abroad. There are disparities in the way that child protection services are organized and functioning in the countries of destination and return. When the child cannot be reintegrated into the family, the Romanian authorities need to find alternative care arrangements. There are over 40 institutions for children in Romania but only 5 specialised centres for victims of trafficking. Many of the children are 17 years old or have already turned 18 upon return, which has an impact on the way they are being received. Approximately 90% of the Romanian children who are identified abroad each year are between 14 and 17 years old.

The specialized services assist primarily children from their region. For children who do not have access to specialized services in their region, it is difficult to find a solution and an appropriate shelter. Recognising these challenges, ANTIP is involved in ongoing initiatives for improving the quality of assistance and protection for victims of trafficking, including child victims. The specialised services for victims of trafficking are being evaluated and based on the outcomes of this evaluation, the institutional and legal framework for victim assistance will be revisited and redefined to become more efficient. There have been working groups to coordinate anti-trafficking measures and some of the partners are of the opinion that the assistance system needs to be thoroughly reviewed. This is a longer term objective to be achieved by 2016. The different authorities, service providers and other partners have also entered into a cooperation for the development and implementation of standard operating procedures at the central and local level of the country.

*Case example: Repatriation of a Romanian boy who was involved in shoplifting in Germany*

The case is about a 14 year old girl who was identified by the German police as she had been involved in shoplifting in Germany. Initially, the girl was placed in a child centre but when the German police contacted the Romanian authorities, the girl had escaped from the centre and the authorities in Romania were asked if she had returned to Romania. The girl was found a little later, still in Germany, and was repatriated to Romania.

The German police had contacted the General Consulate of Romania, which in turn contacted the Romanian Ministry of Foreign Affairs. The Ministry informed the National Agency Against Trafficking in Persons and the National Authority for Child Protection and Adoption. A family assessment was done and the results revealed that the girl could not be repatriated to her family. An assessment was done to identify whether this was a trafficking case, but there were no clear indications of exploitation. The girl was not forced to steal and she had left Romania with her mother. In Romania, there were also the Regional Centre and a Specialised Unit for Combating Organised Crime involved in the case, as well as the General Directorate for Child Protection and Social Assistance and a Transit Centre, which received the girl upon repatriation.

**Andreea Alina Biji, Project Coordinator, Save the Children, Romania**

Save the Children Romania (SC Romania / Salvati Copiii) was established in April 1990 as a national non-governmental organization with the purpose to promote, defend and monitor children's rights in Romania, in accordance with the UN Convention on the Rights of the Child. Save the Children Romania is a member of Save the Children International and carries out programmes in 12 local branches and Bucharest. It is mainly based on the volunteer activity of its 6,000 members.

Salvati Copiii's programmes are targeted at all children although the organization focuses mainly on the most vulnerable groups, such as children who are living and working on the streets, abused, trafficked and neglected children, children without proper parental care, and Roma children. SC's programmes include educational programmes, protection, social and medical assistance

programmes, which are all promoting the participation of children in activities of promotion and recognition of their rights. Thus far, over 750,000 children have been involved in these activities. SC Romania is also involved in advocacy and lobby activities, mobilizing the civil society leaders and carrying out awareness raising campaigns, in order to change for the better the lives of children.

SC Romania was contacted by the transit centre which is under the umbrella of the Directorate for the Protection of Children's Rights in Bucharest. The transit centre had received the girl directly from the airport. SC was called upon to conduct an analysis of the risk factors for the girl, based on the preliminary information that was available.

The girl had not been identified as a victim of trafficking but appeared to be at risk. The risk assessment analysed individual, family and structural / institutional factors that could cause or increase the risks. The girl was 14 years old. As a child and teenager, she was vulnerable. Being a girl, made her vulnerable to rape and domestic violence. She had a low awareness of risks and a history of psychological, physical and emotional abuse. The girl had demonstrated emotional and behavioural problems, she had dropped out of school and had run away from home. That made her vulnerable. She had been early involved in sexual relations and has had a relationship with a 49 year old man.

At the family level, the mother was not providing supervision over her daughter and the girl had been deprived of parental care and love. The mother was a single parent and the relations with the extended family were weak. They lived in a poor county of Romania, there are lots of conflicts between the girl and her mother's partner and between the mother and her partner, which the girl had been witnessing. So the family life was characterized by verbal and physical violence. Despite these problems, the family had not been in contact with the local authorities and social services, which was a great risk factor.

Among the socio-economic factors, the assessment revealed particularly the poverty of the family as a risk to the girl's safety and development. The girl had a low educational level and therefore reduced income opportunities and resources to offer in order to enter employment. At the local level, there were limited support structures and services available that could support her in this regard. The girl had migrated before and might resort again to leave home and migrate abroad, but she underestimated the risks of migration.

There were also structural and institutional factors that caused risks to the girl. There were weak services to coordinate the support to the girl and family in a way that responded to the various dimensions of child protection either from a preventive perspective or from a curative perspective. There was also generally a high level of tolerance of violence against women, youth and children, including sexual violence, inequality and gender discrimination. Experience has shown that children who are exposed to violence are also considered to be among the main risk groups for exploitation and trafficking.

While the assessment was conducted, the girl was staying in the transit centre. SC was asked to provide psychological assistance as the transit centre staff are handling a high caseload and SC is supporting them. SC staff met with the girl in the transit centre and the professional from the child rights protection authority in the home community met with the mother. The assessment was informed by these various meetings. The assessment was conducted as a multi-disciplinary process that involved the child and her family. The assessment revealed that the girl had behavioural difficulties such as hyperactivity, impulsivity, she was often in conflict with others and demonstrated a lack of respect for rules. She had a "sexualized" conduct and weak emotional skills, difficulties in expressing and self-regulating her emotions and was not satisfied with her educational outcomes. The girl demonstrated a negative attitude about herself, other persons and the world more generally. At the same time, she loved however her mother and needed her

mother's support as well as a peer group. The girl had also a good intellect and understanding and these were resources that she offered.

In meeting with the girl and assessing her situation, during the crisis intervention, we tried to generate changes that were useful and acceptable to the girl and her reintegration, as for instance to develop social, emotional and cognitive abilities that should enable her to adapt more healthily to the reintegration. Through the preliminary interventions with the girl, we sought to address her difficulties in expressing and self-regulating her emotions, as these are skills that would be an important resource in support of her reintegration. The development of these abilities is part of the rehabilitation process. These skills can help her to avoid future runaways. Acquiring self-regulating emotional abilities helps the girl to cope with the past and to adjust better to future circumstances.

At the same time, the child protection services in the municipality assessed the family situation in order to establish to what extent the family could offer support to the girl's reintegration and recovery or if the family might pose potential obstacles to this process. So the assessment looked into the type of interventions to be performed and the possibilities to either support the family in the reintegration process or referring the girl temporarily to a foster home. The assessment focused first on the question whether the girl was at a direct risk when staying with her mother and whether a court order should be sought for a suspension of parental rights as an interim measure or for longer periods of time. The assessment found that the relations between the girl and her mother were good. The mother was willing to receive her daughter back and she was attending the assessment sessions. This was an important factor although the mother did not have many resources to offer in support of the family reintegration. She was willing to search for a job in order to stabilise the family's economic situation. The girl had also a good relationship with her aunt. The local social services worked with the mother to make her understand that her daughter needed a supportive behaviour from her mother, to understand the needs and behaviour of the girl, which the mother felt guilty and ashamed of, how to support her in expressing and regulating her emotions and to reduce the signs of depression.

The girl returned to her mother and both signed a contract for their active participation in the continued intervention at the General Direction for Social Assistance and Protection of Children's Rights. A safety plan was developed and the family is provided with additional support. The mother found a job at a local shop and the girl was again enrolled in school and participated a skill camp organized by a local NGO.

The family will continue to receive support and have their situation assessed on a periodic basis in order to monitor the progress of the girl's reintegration. Indicators for the monitoring have been defined and will guide the case manager in reviewing the progress. Over time, it will be increasingly important that the support services will be offered in a more flexible way targeted to the evolving needs of the girl and the mother. It is however difficult to plan for and implement complex interventions due to a general scarcity of resources at the local level. In many cases, it is the professionals working locally within the communities that make a difference to achieve positive results. We still need a higher number of well trained professionals working locally with children who return to Romania from abroad and their families. Many of the children return to the same risky conditions that they have been exposed to before leaving home.

*During the discussion*, the participants noted that the contributions of NGOs and private partners in Romania and in other countries is essential for stepping up the performance of the national child protection system. In many countries, the public system relies strongly on the partnership and cooperation with private service providers, even when the state is not supporting this partnership with public funds. In the case of Save the Children, services are provided under project funds and the organization is fundraising specifically to maintain the financial means to deliver these services, but public funds from the state are not included.

## **Return of rejected asylum seeking children**

### **Niklas Andersson Rosén, Team Leader/Expert on Return, Swedish Migration Board**

The Support and Coordination Unit at the Swedish Migration Board is specialized on handling the returns of children whose asylum applications have been rejected and who return voluntarily to their families. The unit works closely with embassies in other countries to prepare the repatriation. The unit consists of an Embassy Liaison Section and a Travel Coordination Section. In cooperation with the embassies, the unit ensures that travel documents are issued for the returning child and prepares the travel logistics. The main objective is to ensure the child's safety upon return. The child is travelling with escorts who accompany them home.

When children who are to be repatriated do not or cannot disclose information about their families, the response in Sweden has been that the child and his or her legal guardian were solely responsible to obtain the required travel documents. This is however a difficult task to master for the child and guardian and can create obstacles to safe return. This was a motivation for setting up the Support and Coordination Unit at the Swedish Migration Board and tasking it with the provision of travel documents and organising the logistics of the return journey.

#### *Case of a boy who returned from Sweden to Yerevan, Armenia*

The Swedish migration authorities identified "Peter" in an apartment where he was living with a woman. They were both from Armenia. The police asked them why the boy was there and he almost immediately said that he could not return home. The immigration authorities appointed a legal guardian and started interviewing the boy in order to find out where he came from, why he was here and if he should be staying here. Initially, the boy was rather reluctant to share information about his family and why he was in Sweden. Eventually, the boy started to open up and to tell more about his parents but he told different stories over time. He said, for instance, that he had come to Sweden with his parents who had left him at the airport. Another time he said he escaped from his parents at the airport. He said he happened to meet someone from Armenia and then ended up in this apartment. The boy's asylum claim was assessed and rejected. He received his final expulsion decision after nine months in Sweden. After this decision had been taken, the process for initiating the return begins with the family tracing and preparations for the reception in the home country. A case officer at the immigration authorities conducted a first interview with the boy who did not want to disclose information at that interview but filled in some forms. With this information, the case was referred to my unit. I decided to send the case to the immigration authorities in Armenia but we could provide only very little information, the name of the boy and his parents. After three weeks our counterparts in Armenia came back to us with more information as they had identified the boy's name and real age. He turned out to be older than we had assumed but was still a child under 18. We presented this information to the boy and his first reaction was that he was in total denial and kept insisting that he was the age he had stated. The legal guardian was also surprised by the facts. I had doubts that the boy would share further information with us and we started to brainstorm in our unit how to handle this case. The immigration authorities in Armenia would only focus on the identification of the boy and we could not expect too much support from them in other regards. So we started calling various institutions, including an orphanage in Armenia, where the staff suggested that they could support us in this case but requested that we go through the official channels, through the Ministry for Social Affairs. When we contacted the Ministry, the officials were surprised because they had not been aware of the fact that there were Armenian children who were unaccompanied in other countries. They offered support to find the parents. At that point, I informed the case officer from the Swedish Migration Board. The case officer passed the information to the boy that we had contacted the Ministry in Armenia and that the Ministry is working to identify and contact the boy's parents. The options were to either return the boy to his family or to an alternative care arrangements in Armenia. After a while, the boy changed his attitude, presented his passport and told us that he wanted to return to his parents. That same day, we received the information from the authorities in Armenia that

they had been in contact with the parents and that the parents were happy to receive the son back. We called the parents ourselves and told them that we will arrange for the boy's return journey and will provide an escort to accompany him on the return journey. The mother was very serious that she wanted her son back. The case officer gave us very positive feedback on the repatriation. She had been working with the boy from the beginning and had seen the stress and concerns that had been heavy on his mind. During the flight back, the boy transformed to the boy that he was and as he was getting closer to Yerevan he did not feel that much pressure any more. At the airport in Yerevan, he was received by the parents and the reactions were very positive also towards the accompanying escort from the Migration Board. This case was a positive experience of returning a child. There are several other cases where our accompanied returns can help to reunify children with their families. When all parties involved agree and consent, return is not necessarily such a dramatic experience. Each child is unique and there is no unified method for return and no quick solutions. Each case has to be looked into and the person has to be treated with respect. The biggest challenge and obstacle is to correctly identify the child's nationality and identity. From that perspective, we can question if a case such as that of the Armenian boy is a case of deportation or family reunion.

In Europe, there are countries with large caseloads of unaccompanied asylum seeking children and other countries that have smaller caseloads. These situations require different strategies. With small caseloads, it may be possible to work more on a grassroots level, working case by case to identify the right contacts to work with.

In the discussion, participants enquired about the monitoring in cases such as the repatriation of the boy from Armenia. In these kind of cases when a child is being returned to the family and this return takes place with the consent of all parties involved, including the family and the national authorities of the country of origin, the Swedish Migration Board does not follow-up with monitoring activities after the child has been returned to his or her family. When the child is received by the authorities and not referred directly to the family, the procedures for follow-up monitoring might be different.

The Swedish Migration Board has also had cases where the parents were traced successfully and the return is prepared with the authorities of the child's home country in a regular way, but the child goes missing prior to return. There are many different reasons why children go missing. It could be that the child does not want to return to the parents or that the persons that the child is to be returned to are not the real parents and the child takes a decision to not cooperate in the return. If the child goes missing, the case is referred to the police.

In cases when there are no parents to whom the child can be returned to or if the parents refuse to receive the child back, then the possibility of returning the child to alternative care arrangements would be assessed. The Swedish Migration Board has had some cases where this was the case and where alternative care arrangements have been assessed, for instance with regard to children from Azerbaijan, Kosovo or Uganda. But in most cases, the children went missing before the case assessment had reached a final decision. There is a pilot programme in Uganda, for instance, where staff from the Swedish Migration Board visited Uganda to have a look at the institutions and orphanages and to select those that they considered acceptable to refer children to from Sweden.

There have been missions to Central Asia, Kyrgyzstan, Kazakhstan and Tajikistan, with the same objective. Delegations from the Swedish Migration Board visited and assessed orphanages and the services they offered for children. The interest behind these visits is to establish the standards of caretaking in these places. These kind of assessments cannot be performed when a child is returned to the family, but fall then under the responsibility of the national and local social services.

With regard to family tracing, the Swedish Migration Board has developed guidelines that were published in 2012. The guidelines set out the standards for the reception and care offered to unaccompanied asylum seeking children and measures taken to prepare the return of children

whose applications have been rejected. The guidelines provide for extensive demands that could be very hard to live up to in some cases.

With regard to contacting the authorities in the child's country of origin, the standards provide that once a decision has been taken that a child has to return, the Migration Board is free to contact authorities and institutions in the country of return through the appropriate channels. In some cases, contacts are made through couriers or embassies or through encrypted messages in countries that use this system for safe communication.

The best interests of the child with regard to the question of return is assessed in the decision making process. When it comes to enforcing the decision for returning the child, a new assessment is made with the objective to understand whether the child wants to return and is willing to cooperate. This separate assessment is made in all cases and it depends on the information available and how complex the matter is how long this assessment takes.

## **The work of NIDOS – Unaccompanied asylum seeking children and return**

### **Germa Lourens, Social Worker, Nidos, The Netherlands**

When children arrive unaccompanied in the Netherlands, Nidos is appointed by the Juvenile Courts to provide legal guardianship. Guardianship is immediately organized when a child arrives. Nidos is a professional organization and all guardians have a bachelor degree in social work. Nidos works in partnership with national authorities such as the Immigration and Naturalization Service (IND) and the Return and Departure Service (DT&V). The duty of a guardian is to assist the child towards independency. The guardian has to give the interests of the child the highest priority and intervenes when the development of the child is threatened in any way. The responsibility and accountability of the guardian is regulated under the civil code. Guardianship arrangements stop at the age of 18.

The Dutch policy on unaccompanied asylum seeking children provides for a speedy process for assessing and determining the best interests of the child. If an asylum application is rejected, the child is to be returned as soon as possible.

In providing guardianship for unaccompanied children, Nidos works with a cross-border network of contacts and Return Officials who gather insights into the child's situation after return. This means that the Return Official seeks to ascertain that there is a guardian for the child in the country of return and that the child is referred to adequate accommodation and support services. Local parties are as much involved as international partners such as IOM. The cross-border network is used not only for the return of children but also for other tasks, such as trying to contact a child's parents.

### *Case examples*

Nidos assisted a boy from Iraq. He was 15 years old when arrived in the Netherlands and applied immediately for asylum. It was clear from the beginning that something about the boy was unusual. He gave signs of anxiety, did not make eye-contact with the guardian and did not seek contact with the other children at the centre. He said that he was not in contact with his brother in Northern Iraq and that he could not return there because he would be killed. When he understood that his asylum claim had been rejected, the boy threatened another boy at the centre. He was arrested by the police and sent to prison where he attempted to commit suicide but he was found in time and rescued. The psychological diagnosis found that he was mentally retarded and traumatized. The boy was then sentenced and tried to commit suicide once more, and was rescued again in time. At that point, the boy was referred to forced psychiatry treatment and was given medication.

At one point, the boy agreed that Nidos contacted his brother in Northern Iraq. When Nidos spoke to the brother with the assistance of an interpreter, the brother said that it was maybe better if the boy returned to him so he could take care of him. Nidos arranged the return of the boy and monitored his situation for three years. During the first year after his return, the boy was very isolated, anxious and did not make much contact with others, but then he started to integrate gradually, he found a job and got married.

Another case concerns a girl from Mongolia and the case is still unresolved. The girl arrived in the Netherlands at the age of 16. Her background is not clear, she claimed she was raised by her grandmother before she came to the Netherlands. She applied for asylum in the Netherlands but her application was rejected. While she was staying in the Netherlands, she lived with a foster family where she felt happy. The official decision ordered her to return to Mongolia, however, there were no provisions for her to return to a foster family but she would have to return to a return house. The information that we have as guardians about this institution is that the house is in bad conditions. At Nidos, we did not succeed to get in contact with any NGOs in Mongolia and did not get a response from the return house in Mongolia, so at this point this case is still unresolved.

*During the discussion*, participants asked how a guardian could be certain about the conditions that a child was returned to, especially in cases when there are open questions or doubts about the appropriateness of a return facility. In the specific case of the girl from Mongolia, the Return Department referred Nidos to the Ministry of Foreign Affairs and they referred back to the Dutch Return Service. So there is still room for improving the process for information gathering, checks and safeguards, as well as the cooperation between different agencies and institutions and their accountability.

### **Panel III: Monitoring Mechanism for Returned Minors**

**Jan Murk, UNICEF, The Netherlands**

**Frans Bastiaens, Managing Director, HIT Foundation, The Netherlands**

In the discussion about return, there is a lot of information on how to make the relevant assessments prior to return and executing return but as long as we do not have the same level of information about what follows after return, we miss the depth in the discussion. We need to discuss the post-return monitoring as we are missing the information about the situation of children after return and we need to have information whether or not international obligations are met.

Children who are returned to their countries of origin are a very diverse group. They include unaccompanied or accompanied children who are returned together with their families. Return is executed as voluntary or forced return. 'Voluntary' is a very wide concept in this regard. Children are returned to families, to institutional reception or independently. Return statistics show that most accompanied children are returned voluntary or forced to the countries where they had originally come from. Unaccompanied children are returned mostly voluntary and to families.

In general, the option of return is a necessary component of an asylum policy and, as such, it has to be developed responsibly and in line with international obligations. There are many tensions and challenges involved in return policies and practices. A central requirement is the assessment of the security situation, including on the basis of child-specific country of origin information. A best interests determination process is required to identify a durable solution and work towards a long-term solution. These rather abstract concepts can be brought down to more operational guidance as has been done in the Netherlands, for instance, with regard to the best interests of the child. In addition, there is need for rights-based procedures for tracing and assessing the child's family. The assessment needs to determine where the child will be returned to and if the family is prepared and able to take care of the child.

A systematic approach to monitoring the situation after return is essential to evidence the situation of children who have returned. Monitoring will deliver qualitative and quantitative data on the well-being of children after return. When carried out with a longer-term perspective, monitoring can provide important information about the perspective of young returnees for the future and what were the factors and elements that created these perspectives. The results of monitoring can inform policy making and practice as they help identifying which elements make monitoring a successful and sustainable experience. Overall, this will help promoting the implementation of children's rights in return proceedings.

These data and information are valuable for national policies as well as EU policies on asylum, migration and return as regards the perspective of countries of destination. From the perspective of countries of return, monitoring is equally important as it will help demanding from destination countries, including the EU, improved return policies. It will also enable the development of tailor-made interventions in countries of origin to prevent that the return experience undermines the development, capacities and resources of children who migrate and who are returned and prevents thereby the returning children and young people from becoming a 'lost generation'.

The HIT Foundation works for innovation in migration and supports migrants. The Foundation leads the development of a method and tool for monitoring the well-being and development of children after return. The model is based on a tool for the best interests assessment that had previously been developed by the University of Groningen in the Netherlands, and it was financed partially by the EC Return Fund. The model builds on international and regional standards, in particular the Convention on the Rights of the Child and relevant EU Directives and focuses, as cornerstones, on the local standards and practice of the place that the child is returned to as well as the perspectives for the child's future.

A general question in return policy is where does the responsibility of the country of arrival end? The European Commission is supporting the development of methods for trying to find out more about the situation and well-being of children after return. While the primary needs of the children are usually taken care of, the CRC requires also that due consideration be given to the future perspectives and longer-term development of the child. In order to understand better how return impacts the child's development, it is important to assess whether the question to return the child was actually in the best interests of the child. An important question is how policies in countries of arrival and return can be improved to achieve positive results for the child.

Rarely is a child followed for three years after return and we felt that that might be impossible to achieve this in a continuous way for all children who are being returned. So our interest was to develop an instrument that can be used before return and at any time after return. The instrument should measure not only the situation immediately after return but also the longer-term effects, not only the (economic) situation of the parents but the well-being of the child and the child's conditions for development, taking the local situation into account. These issues are hardly being monitored nowadays.

The objective was to develop a methodology that is effective and efficient to tell us how to improve return policies and what can be done differently, to inform structural learning based on structured and comparable information. The methodology should also be independent, affordable and easy to use and enable targeted interventions. Currently, 20 children are being monitored in Kosovo over a period of two years. The application of the monitoring tool costs approximately 200 Euro per child and is therefore not very costly.

The University of Groningen had developed a model on the best interests of the child that is based on the CRC and reflects all articles of the Convention. It was developed with valid questions for the context in the Netherlands. All these articles were translated into 40 conditions, based on the Convention, that tell something about the child's living situations and development, looking at family situation, social networks, economic situation, education, health, etc. This model is being

used in practice as for instance by judges who want to know more about the situation of a child and family.

These 40 conditions from the best interests model were translated into 4 questionnaires, which together form the monitoring tool for children after return. The questionnaires assess the status of the development conditions of the child. The questionnaires can be completed in 2.5 hours and include an interview with the child, a self-assessment by the child where the child fills in responses to a set of questions, and other information gathered from the family. These responses and information are being cross-referenced. Together the results of the interview and questionnaire responses provide insights into the development perspective of the child. The outcomes from the administration of the questionnaires informed the development of 14 development conditions, 7 related to the family and 7 related to the child, which are all based on the CRC and guide the explanation and interpretation of the local standards in relation to each of these 14 conditions. At the same time, the tool offers information and learning that can be drawn from the results to improve policy and practice in countries of destination and return and strengthen the future perspectives for the child.

When we look at the outcomes for the children who were returned to Kosovo and with whom we tested the monitoring method, the results indicate that half of the conditions for these children are ok to good, half are insufficient to moderate. If more than 7 conditions are considered insufficient, the chances of future integration are low. The 14 child rearing and development conditions are the following:

1. Adequate physical care
2. Safe direct physical environment
3. Affective atmosphere
4. Supportive, flexible childrearing structure
5. Adequate examples by parents
6. Interest
7. Continuity in upbringing conditions
8. Safe physical wider environment
9. Respect
10. Social network
11. Education
12. Contact with peers
13. Adequate examples in society
14. Stability in life circumstances

All children we followed returned to Kosovo after 2010. We conducted a meta analysis of the results and found the following: 37% of the returned children suffer from social and emotional problems and are therefore impacted negatively in their mental health. According to our understanding, they are in need of (psychological) treatment, which will be offered by the responsible ministry in Kosovo. The primary conditions for these children are not in order as they might not have to eat in the evenings, they grow up in poverty, they lack an affective climate of good quality, they do not go to school or have suffered from educational set-backs for years, they have no friends and there is no social network to support them. Considering these conditions, was the decision to return the child adequate?

We applied the model in two specific cases of two Albanian girls who had spent several years (3-4 years) in France. Their family had sold the house to pay for their travel. Upon return, they came back to very poor and unsanitary conditions and the mother was blaming the father for not making enough of an effort for succeeding in France and she was blaming the children, too. So in this case, there were problems with the parental role and the role model of the parents as well as the primary conditions and education. The question is which conditions can be improved to create long-term opportunities for the child. In this case, our partners in Kosovo decided that at least

getting these children into peer group activities, supporting them in getting access to French classes, obtaining their school certificates from France, all these were small but important steps to support the children in their longer-term development which could be realistically offered in Kosovo.

We applied the monitoring method also with a boy of Roma origin who had lived in Germany for 5 years. He had been in Switzerland in between and went back to Germany. He was a very well brought up young man and mastered the German language. He came back to Kosovo and he was put in school there for a year, then the mother moved to a Serbian community for better opportunities, so he changed school again. At that point, he stopped attending school and did not integrate, had no circle of friends, he had no interest in finishing school and was the oldest and tallest one among his classmates. So the support offered in the case of this boy was that he could attend again the Albanian school where he can read and write in Albanian. He was also supported to establish contacts to peers in Germany through social networks. So the team decided to support him in establishing contacts with peers in Kosovo and Germany and to support schooling.

*How can the method be used?*

The monitoring method can guide you in developing return monitoring standards in your country, to start a monitoring pilot and assess returnees in their home country. The method is composed as a package of methodology description, questionnaires, and a baseline for Kosovo and Albania based on 150 cases. Analysis support can be offered by the University of Groningen.

The method guides also in assessing the areas where children need most support in order to have better chances for their future development. There are many examples of support that can be realistically offered irrespectively of broader structural and policy change and that are not costly. For instance giving children access to education in a language they understand, make sure they get the certificates from school attendance abroad, make the returns and transfers during school holidays, and there are many parents who victimize their children in hope of getting support for the government for a victimized child. So parents may find their own lives much more important than that of the children. One father said he had two children and one pair of shoes and used that to send both children to school one in the morning and one in the afternoon. So it is important to make and keep parents responsible for their whole lives. Too many parents are in a dependency situation, which has negative implications for their children.

The development of the monitoring tool is work in progress. More children should use the methodology to improve it. We need to develop a baseline for the future and for the countries of origin. In the future, we need more independent monitoring, i.e. monitoring that is not done through projects, although that is also important, but independent monitoring that finds out about the development perspectives of the children after return. We also need new monitoring methods for children and a continued discussion on how to turn monitoring standards into practice.

*During the discussion*, the participants noted that there is a need to add a control group, in the countries of return and destination in order to interpret the findings correctly and set them in context. The development and application of the monitoring method should be discussed with returning countries and with receiving countries in a common platform as it holds important lessons, information and knowledge for working together more effectively across borders.

#### **Panel IV: Cases with children missing**

**Yasmin Van Damme, Analyst, Child Focus, Belgium**

Child Focus is a Foundation dealing with cases of missing and sexually exploited children. The Foundation is involved in preventive and operational work and conducts campaigns for prevention

and awareness raising as well as studies. The organisation is confronted with approximately 2,000 cases of missing or sexually exploited children per year, which are being reported through the hotline of Missing Children Europe.

The Foundation's main goal is to assist in finding missing children, keeping the pressure high on the police and magistrates to find the children, involve the media and bridge between different stakeholders. Child Focus organises poster campaigns and flyers on children who are missing and provides assistance to parents and offers follow-up services when a child is found.

In Belgium, there are approximately 1,800 unaccompanied children who are identified by the authorities each year although the real number, including those who never even get in contact with the authorities, is estimated to be around 3,000 per year. There is a lack of systematic data collection, information exchange and monitoring on the cases of children who go missing from the reception centres. Estimates consider that approximately 7% of the children leave the first reception centres where they are accommodated when they first get in contact with the authorities.

Initially, Child Focus opened a case file for each unaccompanied child who went missing. When the Foundation received the information, they reported to the case worker but often had to close the file because there was no information. Child Focus then changed the practice to open a case file and to appoint a case worker only when the disappearance is particularly 'worrying' for instance when the child is under 13 years old. The organisation is now handling around 60 cases per year with about two third boys and one third girls. Half of these cases are usually closed very soon as there is no information, whereas one third of the children are usually found. In approximately 40% of the cases, the child is under 13 years old, which is perceived as very worrying by the organisation.

### *Case examples*

#### 1. Anna, Romania, 14

Anna was living in foster care in Romania because her mother could not take care of her. At one point, she established contact with her sister in Ghent and she came to Belgium where the authorities identified her as she was involved in begging in Bruges. She was by herself and the police put her in an observation centre. A guardian was appointed. Anna told her guardian and Child Focus that she wanted to live with her sister, but we had doubts because the sister did not live in appropriate conditions to accommodate and care for her sister. After some time, Anna said she wanted to return to her mother so the voluntary return process was initiated. But when she met the case workers who prepared her for the return, it appeared that she got scared. After one of these meetings, the guardian put her back on the bus to the observation centre where she never arrived. We were worried because she had been involved in begging and her last phone signal was registered from a major prostitution area. The role of the sister was a cause of concern as she had previously been very actively in contact with the guardian but after Anna went missing, all of a sudden she did not respond to phone calls and did not cooperate with the authorities. This happened in the summer period and the responsible officials were on holidays but it was not clear who was taking on their mandates. We heard statements saying that "this is what Roma do, they go away, why worry". So we lost contact with Anna.

#### 2. Abdel, Morocco, 14

Abdel was 14 years old and from Morocco. He wanted to go to school in Belgium and seemed generally happy at the observation centre. He had been on the move since he was 12 years old. He went missing from the observation centre in August and we were particularly worried because the last phone signal from this boy was registered in an area of Brussels where there is a lot of activity of exploitation in night shops and the boy had also been seen in Brussels. Child Focus launched a poster campaign in Brussels but has not had news about the boy thus far.

### 3. Karecho, Morocco, 15

Karecho is a 15 year old boy from Morocco. He was found in a squat house in Bruges, which is known as a transit house for smuggled migrants. The authorities identified him there with the suspicion that he had been smuggled into Belgium. He was taken to the observation centre from where he left immediately. The boy was then identified by the railway police and taken back to the centre for registration, but he got very aggressive and refused to have his fingerprints taken. Then he was kicked out from the centre and we have had no sign from him since. The police said that he was part of a network and therefore it would be futile to look for him. We knew that he was eager to leave from Belgium. And nobody is looking for him anymore.

### 4. Saberi, 11 Afghanistan

The case of 11-year-old Saberi from Afghanistan can be considered a “success” story considering the current outcome of the case and the cooperation involved in it. We know where Saberi is. He is in the UK. Saberi was identified by the railway police in Antwerp in February 2013. The police confiscated his phone in the context of a smuggling case. The boy wanted to get to the UK. The police understood from phone tapping that this was a smuggling case. The smugglers were keen on getting the boy to the UK because they would be paid only upon arrival in the UK. When we spoke to Saberi, he told us that his mother had said, “whatever happens, go to the UK”. So we knew where to look for him and we put the posters on the smuggling route to the UK, which is very well known in Belgium. We found him and put him back to the observation centre but he left again. Sometime later, we found out through a police woman who called a contact in the UK that he had applied for asylum in the UK together with this mother, three days after he went missing in Belgium he had already filed his application in the UK.

The biggest obstacles from the perspective of Child Focus is the lack of information about cases. Usually, little attention is paid to gathering information about the possibility that a child has been subjected to trafficking or smuggling when a child is being identified. When a case involves a criminal investigation, the willingness of different authorities to cooperate and share information is often low. Without information, it becomes however very difficult for Child Focus and service providers to take action, to look for the child and to protect the child. While there is a team of officials who are investigating cases in which children go missing from the reception centres, this team does not work closely with those who are investigating the case as a potential trafficking or smuggling case. Overall, there appears to be often a lack of interest to find the child and attitudes and prejudices are also involved such as the view that these children “want to leave”. Against this background, it is important to support a change of attitudes and perceptions of these children.

*During the discussion*, the participants asked whether the authorities in Belgium had informed the boy that it was possible for him to go to the UK. The challenges were in the communication with the boy who had been very reluctant to communicate with the officials in Belgium and there was very little time that he spent at the centre.

### **Bente Oftedal Roli, Lawyer, Roli Advocates Firm, Norway**

When unaccompanied asylum seeking children go missing from their care arrangements, important factors that are motivating them to leave are a negative decision on their asylum applications, an imminent transfer under the Dublin Regulation or when their leave to remain is about to expire at the age of 18. Granting leave to remain until the age of 18 as a generalised measure is against the Convention on the Rights of the Child and the principle of the best interests of the child, which would require an individual assessment in each case.

As a lawyer, I have had a case of a boy from Albania who had been forced to work for transporting drugs. In Norway, he was staying with a man but he did not want to talk about the details of his

experiences in Norway. We suspected that it might be a case of sexual exploitation but did not have evidence for that. The boy said he had met this man in Albania and that he was staying with him in Norway and working for him, but he did not want to speak about it in more detail. The boy is very bright, he speaks good English, but was stressed about his situation, especially because his asylum application was denied. When the boy's application was rejected, he started to give up. At the appeal, the rejection was revoked and the boy was given leave to remain until 18. He was increasingly depressed, crying a lot, moved to a new city and met new people. Initially, the boy had been supported by an excellent guardian and had been in very close contact with his guardian. After the boy was transferred to a new location in Norway, he had to have a new guardian appointed, which took approximately three months, but his previous guardian tried to maintain the contact over the phone. The new guardian noted that the boy was in trouble. At his 18<sup>th</sup> birthday, he went missing and he has not been seen since that. I was informed that he was missing but, as his lawyer, I received the information only by chance as there are no formal provisions to keep the lawyer informed.

What could have been done better in this case? First of all, the boy should not have been given leave to remain up to the age of 18. There should be a comprehensive assessment of his situation and best interests and a decision making process informed by this assessment. The boy was not empowered or safeguarded by the time-limited leave to remain, he was disempowered.

The boy was transferred to a centre where he was provided accommodation but he did not have real rights and did not have any viable opportunities while staying in Norway on leave to remain. It would have been better if he had stayed in the place where he had stayed first and where he had friends and peers and a social life. But when a decision is taken, the child is moved to another location and is appointed a new guardian. This is a common practice in Norway but is not good for the child. At the time, his symptoms of depression and social isolation were reported and there should have been a follow-up by the national child protection services to look into his situation and to determine what he needed. In general, the responsibility for child care and protection lies with the child protection services, but they are not responsible for asylum seeking children over 15 years of age.

As a lawyer, I have also represented another boy who had gone missing from the reception centre three times and lived on the streets of Oslo. He was identified on the streets some time after he had left the centre. I have been in contact with him several times and he was also in contact with the social outreach services in Oslo. They call me when they are in contact with him. He is staying there waiting for his answer on the asylum application. But the immigration authorities put the case on hold when a child is missing from the reception centre so his asylum application was no longer assessed. The boy has lost all hope. There was no more information about him until, after some time, he was identified in Denmark and was to be transferred to Norway under the Dublin Regulation. Then he went missing again. After some time he came back to Norway at the age of 15 and now he is over 18 and his whereabouts remain unknown, he might be still somewhere in Europe.

What could have been done better in this case? The boy should have been appointed a guardian to have a main reference person that he could relate to. There is a lack of personal contacts between guardians and children and the guardians are not encouraged to have social contacts with children. Some guardians perceive that they are looked upon more as problems in the reception centres when they get too closely involved in the case. It would be important to strengthen the guardianship in Norway to make guardians skilled and give them the mandate to support the child and promote his or her best interests in a meaningful way.

## **Ida Hellrup and Elin Wernqvist-Roberts, Child Rights Bureau, Sweden**

The Children's Rights Bureau is Sweden's first independent child rights advocacy service. It offers legal and social support to children and young people 0-21 years old. What we can conclude from our experience is that we have a highly vulnerable group of clients, many of them are homeless or staying at friends' houses or wherever they can find a place to stay. We have currently 50 cases and we work on behalf of the child. The child or young person contacts us and tell us what they need.

Meeting this group has made us very curious and interested in the life and challenges they have. Once that the asylum claim has been denied, the person loses his or her entitlements in social matters, so they are very vulnerable. Once an asylum claim has been rejected and the person has lost the related entitlements, we are rather powerless because in these situations we cannot use the tools that we usually would use to help these children and young people. But we are also becoming increasingly interested in understanding these situations and the underlying dynamics better because we are starting to note a pattern. All the children we work with who have gone missing have previously not been missing for a very long time. So we can see that there might be lessons to be drawn that can help to prevent that children go missing.

So we ask the question are these children missing or are we missing them? Our general experience is that missing children have once been known. What happens to them? We have had seven cases of children whose asylum applications have been rejected. We started to send a survey to homes for unaccompanied asylum seeking children to enquire how many cases they have had of asylum applications of unaccompanied children and what has happened to them. We also looked into the asylum statistics from the Swedish Migration Board.

The seven cases involve boys and girls who were between 14 and 17 years old when they received their final asylum decision. They came to us, none of them had understood their decisions, so we spent a lot of time explaining what the decisions meant, how their cases ended up in this way and what to do now. What was clear in all of the cases was that none of the boys and girls had family networks whom to talk to. Most of their parents or caretakers have been killed or they had been on the move for many years and had no contact. Despite the comprehensive guidelines on safe return procedures for unaccompanied asylum seeking children from Sweden, none of them were given a realistic offer of safe return. For most of them, the 18<sup>th</sup> birthday is the decisive day. In Sweden, we do not have a system of giving leave to remain, but in practice the situation is similar. So is this a return procedure?

In four of the cases, the migration case workers stated in our presence that the child will not be returned before the age of 18 and in fact, as of today, none of them have been returned before 18. In at least 3 cases, we are certain that the children would have cooperated with the authorities on their return had they been offered a good enough offer of safe return.

In the remaining cases, safe returns, in our eyes, are impossible. According to the existing guidelines issued by the Swedish Migration Board, this should constitute impediments to the enforcement of the deportations. However, all applications to the Migration Board to point this out, have been rejected.

When faced with the facts that they are no longer protected in Sweden, the children are forced to make a hugely difficult decision. At that point, they are often already stripped off the social and legal support offered by the system. 5 out of the 7 young people today live in Sweden with an undocumented status. One has returned at the age of 18 and one is awaiting his 18<sup>th</sup> birthday. They all live under harsh conditions, with high risks of exploitation and with no means of seeking help or support. Several of the children and young people told us that they have been offered to sell drugs and that they are living on the streets. All of them are extremely fearful of going back to

their home countries. And the case officers have extremely difficult situations in delivering these decisions and carrying them out.

Some of the children had to face comments from the officials upon the prospect of returning to their home countries that have not been helpful for the children and young people to cooperate and to trust. Some of the most discouraging citations from officials on why the child or young person should not worry about returning were, for instance, the following:

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

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

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

There were also very positive examples of case officers that the children and young people told us about. But these experiences made us wonder how the situation looked like for other children. Our survey with reception centres hosting unaccompanied asylum seeking children in Sweden revealed that there have been a total of 31 cases of children with failed asylum applications in the last year (2013). A return procedure was started in 12 out of the 31 cases before the child turned 18 years old. One child was safely returned before the age of 18 but all the others, 30 out of 31, have gone missing.

Our conclusion is that the children go missing because we do not offer them a realistic and safe alternative in time. We have the possibilities to prevent this from happening but we do not use them and children continue to go missing. The children make their own best interests determination, they take difficult decisions, take on information from different agencies, they make the assessment and decide that ‘going missing’ is safer than the alternative that is presented to them by the authorities.

So what is it that the children are so fearful of? As there is no follow-up of what happens to children and young people who are returned, we are not in a position to doubt their fear. If the authorities would fully comply with the guidelines, not as many children would go missing.

Based on our experience, we recommend that the given guidelines are being adhered to, that the return proceedings are started early in the cases where return is safe and considered to be in the best interests of the child. When this is not possible, children should continue to receive protection through leave to remain. The child and his or her feelings need to be respected throughout the procedure and each individual case needs to be followed-up after return.

**Wednesday, 10 September 2014**

**Session III: Return at 18**

**Panel V: Youth on the Move, Former unaccompanied minors removed to Afghanistan**

**Emily Bowerman, Senior Programmes Officer, Refugee Support Network, UK**

**Bryony Norman, Youth on the Move Programme Officer, Refugee Support Network**

**Abdul Ghafoor, Monitoring Officer, Refugee Support Network, Afghanistan**

The Refugee Support Network (RSN) is a small UK-based NGO working with young people who are affected by displacement and crisis, enabling them to access, remain and progress in education at multiple stages of the migration journey. The RSN offers an education and mentoring programme, a programme that supports the access of the young people to higher education, and a third program that supports forcibly removed youth. The focus of these programmes is particularly on young Afghans who came to the UK as young unaccompanied asylum seeking children and who were refused asylum but given leave to remain until 18. These young people spent some of their formative years in the UK care system, they are 18-23 years old when they have exhausted all their appeal rights. The RSN supports them to explore routes for remaining in the UK and offers practical and psychological support.

In the UK, unaccompanied asylum seeking children who are staying on a leave to remain are facing drastic changes when they turn 18. Their leave to remain is not being extended and this implies that the support and access to legal representation to which they had previously been entitled is now being reduced. The young people might be exposed to detention and forced removal. They often suffer from isolation and lack of support. Last year, about 110 persons who had come to the UK as unaccompanied asylum seeking children were forcibly returned as adults, most of them to Afghanistan. Prior to their removal, they do not have access to legal aid so it is very difficult to find solicitors to support them at that stage.

The RSN conducted research into the situation of young people who have been forcibly returned from the UK to Afghanistan. The findings and conclusions were published in the report 'Broken Futures'. The objective of this study was to draw attention at the harsh transition from a looked after child to a failed adult asylum seeker and the consequences for the person. In most other areas there is support and after care offered for young people to support them in this transition. The research revealed that this harsh transition pushed the youth into a negative decision making nexus as the good options for them were very limited and their aspirations were very much reduced to survival strategies. What exactly constitutes a 'safe' return when young people are forcibly removed to Afghanistan has not been clarified in a satisfactory way. There are complex intersecting factors determining the situation and safety of the young people after return. Targeted support is essential for them in this phase but not readily available or accessible.

The research has drawn attention to some of the risks that the young people are facing upon return. The young people arrive often as empty-handed outsiders. They suffer from the general poverty, security threats and the psychosocial impact of the stark contrast between their lives in the UK and in Afghanistan. The impact of their own westernization was perceived strongly by the young people and their contacts in Afghanistan. They had limited options for employment and education and the skills they had acquired in the UK did not match the demand for workers and employees in Afghanistan. Overall, there was very little support to their reintegration and many were considering to leave again, which placed them at risk of exploitation. The young people were also facing problems with anti-government groups who perceived returnees as spies from the countries that returned them.

The RSN works in support of a long term goal that no former unaccompanied minor be left alone and unsupported in the face of potential forced removal to Afghanistan, and that research tracking outcomes for these young people will bring about a better informed and more compassionate approach to decision-making about returns in the UK.

The objectives are that young people who have had their appeal rights exhausted are enabled to access legal, psycho-social and practical support when they are facing the potential forced removal to Afghanistan. A second objective is to gather accurate information about the outcomes of forcibly removed young people and to use this information to impact policy, the public debate and programmes.

In the UK, the RSN providing support to asylum seeking children and youth by offering information about the current situation they are in and the options at their disposal, they raise awareness about support that is available and how to access it, and they involve the youth in contingency planning for the case that they have to face the enforced removal.

As it has been challenging for the RSN to monitor the situation of young returnees in Afghanistan, they conducted field visits to Kabul to meet with the returnees and interview them, and the recruited a Kabul-based Monitoring Officer to continue the monitoring and support work in Kabul. The lack of family and contacts that the young returnees have experienced, the stigma and fear connected to return and the overall very difficult situation made that many young people are planning to leave again. The objectives of the monitoring work is to capitalise on the learnings from RSN findings in order to build capacities among practitioners for post-return monitoring and facilitate the information sharing. The findings will also inform considerations for policy making in relation to the return process.

In the pilot year of RSN's monitoring and research activities with forcibly removed young Afghans, 5 persons have been removed from the UK and others are in pre-removal. RSN is trying to equip them with basic techniques to manage the high level of stress and to inform them where they can get practical support. We are working with them to develop a contingency plan for the worst case scenario of forced removal, to start thinking of what their multiple options would be in the UK and in Kabul.

#### *Bryony Norman: RSN monitoring and research in Afghanistan*

Abdul regularly meets with young people who have been forcibly removed from the UK to Afghanistan, former unaccompanied asylum seeking children who have been looked after by the care of local authorities in the UK. He monitors their well-being, education and employment outcomes at different stages of their return. Abdul joined RSN in March this year. Since then, he has met with several young people who have been forcibly returned to Afghanistan. He interviews each of them as soon as possible after return and thereafter at regular intervals to track and monitor how their situations and experiences have changed and developed. I have joined Abdul for this initial period and to contact further organisations who might provide support services if we sign-post the young people to them, including educational and vocational training facilities and psycho-social support and counselling providers. The information we are gathering from the research interviews with young people will be analysed and published in a final research report that will be made available in 2015. Today, I have advised Abdul to make available a taster of some of the key findings that have arisen to date from the regular interviews he has undertaken with the young people, highlighting especially the issues and challenges that they are experiencing upon returning to Afghanistan as well as the challenges that he has personally in his role.

#### *Abdul Ghafoor: Situations of young people after return*

My main responsibilities are conducting interviews with young people who arrive in Afghanistan and to do follow-up interviews to find out about the information they are living in and how they are doing. The challenges they are confronted with in Afghanistan. According to my experience, the

very first thing they express is that they are in a state of shock when I first meet them and they ask if I can help them, including in getting back to the UK but that is of course not possible for us. They have been away often for many years so it is not easy for them to reintegrate into the society.

Another thing that they are very concerned about is the security situation in Afghanistan. The Taliban are controlling most of the provinces outside of Kabul and have a strong hold there. Most of the returnees are from different provinces and these provinces are very dangerous places where the Taliban are very powerful. For example, one person shared his experience when he was travelling to his home town. At one point at night the car was stopped by gunmen with civil clothes and he was carrying foreign phone numbers in his mobile phone and US dollars. He was afraid that the Taliban would find this so he threw it into the car because his life was in danger. The Taliban think that those working with foreigners and international might do when they find the is life is always in danger because Taliban think that those who are working for foreigners and international organizations or for the Afghan Government are their enemies. In some cases, the young people don't want to show that they have been in the UK because they would be considered as British spies because they have been living abroad for a long time and that would put them at risk. Once, there was an attack only a few blocks away from us and I convinced the young person to stay in our office for half an hour before leaving. For some, Kabul looks safe, but unfortunately, also Kabul has witnessed many brutal attacks and suicide attacks, especially in times like these when there are elections. So this has made Kabul one of the most insecure capitals in the world. Just now with the period of the elections and the uncertainty the security situation is very bad. The unemployment rate has increased to 47% in 2013 and it is the same in 2014. Many people are jobless, do not have work to do and do not feel like they have a reason to survive. That is what makes it even more difficult for the young people to come back. They keep on trying looking for work in their provinces, they come to Kabul but cannot survive here, so they leave again. So unemployment is a major reason of concern.

Most of these young persons do not have any family members in Afghanistan or in Kabul, so that making it difficult for them upon return. They do not have a place to go. In most of the cases, the young people have gone to the homes of the persons whom they have met at the airport or at the guesthouse and that is very risky for them. Most of the young people are planning to leave again. One has already left Afghanistan and is currently in Indonesia waiting for a decision on their asylum application. Two are trying to leave and the others are all planning to leave, except one who is studying.

The first case that I would like to present is about a young person whom we got to know in the UK. When he was returned to Afghanistan in 2014, he did not have a place to stay, he does not know where his family lives and does not have any contact with his family. So he was staying with a friend whom he knew from the UK. Whenever I call him to see how he is doing, I hear that he has personal problems, he is afraid to be here and is very concerned about this situation. These are the same problems that he has had before leaving. When I met him first, he was in a state of shock, depressed, at night he was dreaming about his friends and schoolmates in the UK and the good days he has had there. But here, he has been sick, he is having stomach problems and is in a state of trauma. He did a mechanics course in the UK and he was hoping that this could help him when coming back to Afghanistan but he has not been able to find a job here. So he had no means to survive and relied on his friend for accommodation.

He attempted to go to Iran a few weeks ago and when we interviewed him he told us what happened. He was arrested, abused, tortured and then he was sent back to Afghanistan. When we asked him if he wanted to go back, he said he wanted to go back to Iran because he did not feel safe here, there was no job and no way for him to survive. The only thing for him to do and the only option for him to survive that he could see was to leave Afghanistan.

The second case is about a young person who was referred to us by the main office when he returned to Afghanistan. The first thing he was very desperate about was to send his claim papers

to UK Home Office. So we filled that in and send it to the Home Office. But he did not receive any response for a long time. He was always very concerned about his security in Afghanistan. After some time, his solicitor in the UK who had been helping him contacted me and told me that he had been beaten and was in hospital. When I went to see him in hospital, he had already been discharged, but he showed me the photos of his injuries that evidenced how badly he had been beaten. After a few weeks, I called him again to see how he was doing. His cousin answered the phone and told me that he had been very afraid in Afghanistan and he had by that time already left Afghanistan and had arrived in Indonesia. He stayed in Afghanistan only for a few months.

Overall, the interviews that RSN has conducted in Kabul suggest that the young returnees are facing many different challenges and risks after return, although Kabul is considered safe. There are economic and financial difficulties as many young people cannot afford to stay in Kabul where life is very expensive. So many live in risky and precarious situations and many move on to other areas of Afghanistan. The challenges they are facing are mainly the disconnection from the family. In the absence of family support, many of the young people stay with persons they do not know but whom they have met at the airport for instance. This is risky for them. In addition, they are facing the stigma and challenge of being alone in Afghanistan while they are more familiar with the British system and culture. All of this is also causing some degree of skepticism about Afghan society.

*In the discussion*, the participants asked if the young returnees were provided with financial support for the initial phase after return. They do receive some money before leaving and upon arrival in Afghanistan. In the case of voluntary return, there are different support programmes that provide more support. If forcibly returned, the young people are eligible to in kind support but that can be difficult for them to access.

There are different initiatives by EU Member States to set up support programmes for returnees in Afghanistan. To which extend at these support programmes connected and coordinated? The RSN Monitoring Officer is also looking into this and mapping the support and services that are available. For the young people who return, it is not easy to know about and access the available services. The challenge is that excellent programmes have been designed but that many of these are rather theoretical. They have been sent up but are not necessarily operational to support young people.

The children might be in contact with their families while they are staying in Europe but once they are being forcibly returned as young adults, there are many pressures and fears involved that prevent many of them to maintain contact with the family. There is a perceived shame and stigma associated to return as parents might have invested large amount of money and might have incurred debts to pay for the child's travel to Europe. When children return voluntarily, they come home with a cash grant which might alleviate this.

## **Panel VI: Models for follow- up in countries of origin/return**

### **Ada Shkurtaj, Specialist, State Social Services, Albania**

In Albania, the cases of unaccompanied asylum seeking children are rather new to the social services. Recently, the Ministry of Interior and the State Social Services have concluded a cooperation agreement on the support for the reintegration of children who are returned to Albania. When a request to return a child is sent to the Ministry of the Interior, they contact us at the State Social Services to organize the reception of the child. We contact the regional state social services to make the required assessments. The principles for the assessment should be based on the specific needs of each case, so we are aiming to provide individualized care. Currently, we are in the process of developing guidelines in cooperation with IOM In Albania. The guidelines consider unaccompanied asylum seeking children as a particularly vulnerable group. They might be victims

of trafficking and many have been begging on the streets in the countries of destination, mainly in Greece, Italy, France and recently we have heard also of cases in the UK.

We assess and take into consideration the respect for child's rights and offer the possibilities that we can provide to the child. We seek to get the informed consent of the child and have elaborated standard forms for that. We are much focused on confidentiality and privacy of the child and share information only with the actors that are involved in the repatriation process. The assessment takes into consideration the views of the child and is made on a case by case basis, considering the individual situation and needs of the child concerned, as a generalised assessment could harm the child involved. The guiding principle for the assessments and the repatriation process is the best interests of the child. The assistance for the assisted return is provided when the child agrees with the counselling of his or her legal custodian. Return to the family is considered only when the security assessment asserts that there are no risks for the child when returning home. In Albania, there are problems with blood feuds which puts at risk mainly boys and men. So children who are threatened by this might qualify for asylum abroad, and we have to be very sure that a child who is being returned is safe.

We have had difficulties in receiving children back from Greece, for instance, as an Albanian child had been imprisoned in Greece and was returned to Albania without informing the Albanian authorities. In light of these experiences, we aim to ensure that the transnational cooperation is based on a proper, constant and fast information flow between institutions, organisations and other parties involved in these cases, in the countries of destination and return.

There are two types of assessment plans that we work with when a child is to be returned to Albania. One is an individual assessment, which focuses on the factors related directly to the case, and the other is an environment assessment, which focuses on the independent factors of the environment, such as the social-economic situation, the infrastructure of the agencies and services involved in the reintegration process. Children who have migrated abroad are often from very poor families and might be part of the Roma and Egyptian minority communities. So we have to analyse the situation and environment that the child would return to. When the country of destination contacts us they want to have a realistic assessment before deciding, but it is often very difficult to achieve this and to get a realistic picture of the situation.

The first needs assessment should be done in the country of destination. The concrete reintegration plan should then however be done in the country of origin after the child has returned.

#### *Reintegration plan: Case example*

In 2013, we had a case of an Albanian boy who was repatriated from Rome, Italy, to Tirana. The boy had been identified by the social services in Rome and was referred to the IOM Office in Rome, which contacted IOM in Albania and they in turn contacted us at the State Social Service. The child had been found begging and shoplifting in Rome. He was by himself and was put under protection by the authorities in Rome. He said that he had been pushed by his parents to go to Italy in search for a better life and opportunities. We investigated the family situation to understand why they had sent the child and if they could take him back and we conducted a socio-economic and risk assessment of the family and their environment. The family, however, confirmed the boy's story. They said that they had sent him to have better life in Italy and refused to take child back. IOM conducted a needs assessment of the family and, on that basis, supported the family through counselling and with a grant provided by IOM Italy to strengthen their capacity to take the child back and the father was offered training courses to support him finding employment. The boy was returned to Albania when we had already developed a reintegration plan for him in cooperation with the social services in Italy. The boy was supported to return back school and managed not to lose the year by taking extra classes. The father found a sustainable job after he had been through the vocational training course. This case is being followed up by a local organisation that monitors the family situation.

The authorities of the destination country do however not always contact us and we face many issues and concerns regarding the children that are back. Some of these children are administratively “invisible”, especially those who were born abroad but have not been registered at birth. But also children belonging to national and ethnic minorities in Albania are not always registered at birth. Many of these children and families are exposed to discrimination due to their minority status.

Children who have lived abroad for extensive periods of time or who have spent their first years abroad and return then with their family members to Albania are often facing language difficulties. They do not always speak Albanian and might know only Greek, for instance. So they have to learn Albanian first in order to integrate into school.

When children were placed in foster families abroad, they might also leave close, trusted and caring relationships behind when returning to Albania. This might be bothering them after return and have a negative impact on their reintegration.

Many adolescents and young people who return from abroad face difficulties in accessing the labour market. It is especially difficult for the 17 year olds to integrate into the labour market due to the difficult employment situation. They may have interrupted their school education while abroad, they might not have graduated from school or have participated in vocational training that is not relevant or accepted at the local employment market. In some countries of destination, the unaccompanied migrant children are placed in protection facilities where they receive care and support and access to courses for a limited period of time. They might be under a cultural shock from this experience and when returning to Albania. The poverty and limited availability of recreational activities for children and young people and difficult family dynamics might all increase this perception upon return. In some cases, it is possible to plan for a sustainable repatriation and to provide adequate follow-up. Often, it is however very difficult for the social services in Albania to ensure sustainable follow up of the family.

*In the discussion*, the participants noted that it is very important to consider a case a person, not just a case, and to consider the individual and social needs of the child as a person. In the repatriation process, the cooperation between authorities in origin and destination countries is essential for conducting a solid assessment. If the outcome of the assessment is that it is not in the best interests of the child to return to the family, foster care can be arranged, including for an interim period, while the family is being supported. The social services in Albania are working with children who are being returned to Albania but do not offer services for persons who are over 18 years old.

### **Fried Didden, Director, Kosovo Health Foundation, Kosovo**

The Kosovo Health Foundation has been working in the public health sector in Kosovo and was invited to participate in the development and pilot testing of the monitoring methodology for children who are returned to their country of origin. The research on the situation of children who had been returned from Germany to Kosovo together with their families was the first research that looked specifically into the situation of these children. It was published in a report entitled ‘Silent Harm’.

We found out that 40% of the children had severe problems such as depression, suicidal thoughts, trauma related problems. What causes these outcomes for the children who had previously stayed for 10 or 15 years in Germany? The mental problems are real, and children affected by it are in need of professional help. There are fewer children who are affected by trauma. These traumatic experiences can remain inside the children without being noticed from the outside and the child

him or herself might not even be aware of it. Many of these children can be damaged for their life and it will come up only later in their lives. They might not be able to sleep or have nightmares. We saw children who were mourning and suffering. They have had to say goodbye to something, we saw children who did self-harm. The better the parents are equipped to support their children in the abrupt transition of the forced return, the higher the educational background of the parents and the better the family was organized, the more can the parents support their children to cope with this experience. But the families who were returned to Kosovo do not usually have these kinds of resources. They have often previously struggled to escape from war. The children usually do not speak about emotions with their parents because they do not want to bother them with their problems as they know that their parents already have their own problems. Sometimes traumas that parents have do transfer to their children, especially when the parents have escaped from war and have not elaborated these traumas and spoken about this with their children. So there are many issues within these families that make them more vulnerable in the return process.

In many countries that are economically poor, families have an important support function. The way that people look at their children is different from the way that parents look at their children in richer countries. Children may need to take on responsibilities early on for the families and household.

The monitoring methodology that we worked with to assess the situation of the children after return is much more focused on the situation of the children themselves. This is important. It should be long term to know what is happening with the children in 5 years from now. In addition to the monitoring, we need to distil messages on what needs to be done to reform policies and practice in countries of destination and return and in the way that they work together.

There are many things that can be done, and that we would like to do, to work with the children to make them feel better. For instance through arts, sports and other activities. It would be important to offer activities for them to engage in, over a period of several months and to monitor the outcomes in order to find out what the impact is and how to achieve that they are better. But there is currently no money allocated to these kind of activities. In many places we monitor only economic developments but not social and psycho-social matters. There will be many issues in the future if the children are not supported and involved to resolve these kind of problems and to reconnect to school. There are currently many children who drop out of school, not only Roma children but also others and all the problems that the children have are very closely connected. To put love and attention to neighbourhoods could make a big difference.

Children and families who return from abroad are confronted with a lot of stereotypes and prejudices. For instance, the families who come back are supposed to have money and be rich, this is the perception that their neighbours and family members usually have. That creates a lot of pressures and tensions.

There were 3 million Euro in the reintegration fund for the repatriation of persons to Kosovo from abroad. We calculated that this came down to one Euro per person who returned. In the Netherlands, it costs 200,000 Euro for a child to grow up until 18 years old. States invest in maintaining families and children while they are staying in their countries and these investments are significant. But then they are sent back and the investment is stopped and undermined. This does not make sense. The children are motivated and competent to contribute to the society of the host country and the host countries often need stronger younger generations due to demographic imbalances. The current policies and practice are causing harm on the families and children concerned and harm on the countries of origin and destination.

## **Session IV: Reflections from participants**

### ***Beatričė Bernotienė, Deputy Director, Refugees Reception Center, Lithuania***

The Refugees Reception Centre is the only centre that hosts asylum seekers and provides them support in Lithuania. The meeting has offered new ideas and has addressed issues that we have also been confronted with when receiving unaccompanied children. The highest number of unaccompanied asylum seeking children in Lithuania was registered in 2012, including children from Afghanistan. In 2010, we noticed a new phenomenon of children arriving from Vietnam who claimed asylum in Lithuania but all of them went missing from the reception centre. In 2014, we have received already 48 children from Vietnam, and 37 were registered in 2013. The meeting has been very good as it reveals that we are not alone in struggling with the issues that we discussed and we have been able to make new contacts for future cooperation.

### ***Nina Hannemann, Special Consultant, Center Against Human Trafficking, Denmark***

The Danish Centre Against Human Trafficking is responsible for facilitating the coordination among the relevant actors in Denmark, it provides direct support to victims of trafficking and is gathering knowledge, data, preparing statistics and disseminating this information to the various parties concerned. It has been very educational to hear the experience and practice from different countries. Our experience shows that there are children who end up in circumstances that we had previously sought to improve. This is not encouraging. In the future, we need to address better the implementation of laws and policies into practice and we need to strengthen the cooperation between national child protection systems across borders. With regard to the principle of the best interests of the child, there is need for more clarity and guidance on how to apply the principle in practice, including in cases where the views and wishes of a child may not be in line with what professionals and officials think is in the best interests of that child. In many cases we know nothing or very little about what happens with a child after return. In general, we should be working more evidence based. So it was very inspiring to learn about the monitoring project presented by the HIT Foundation and the Refugee Support Network's research. These children who are sent back are at high risk of falling into the hands of traffickers.

### ***Katarina Munier, Programme Officer, National Board of Health and Welfare, Sweden***

This meeting had a focus on return, which is very relevant for the Swedish perspective. The numbers of unaccompanied children arriving in Sweden every year is very high. This year, for instance, 4,241 children have been registered thus far and the number will probably rise to around 6,000 by the end of the year. The children come from all parts of the world, particularly Afghanistan, Somalia, Eritrea, Iraq and other countries. Many children do get a residence permit, so we are used to working together in order to address their needs and to plan for care and support while they are staying in Sweden. It is important to work also for those who are going back. We do have a good reception for unaccompanied asylum seeking children in Sweden so now we have to make progress also on return. The Migration Board are taking care of voluntary return and that is very special because unaccompanied children who return might be more vulnerable than adults and families with children who go back. We need to work more closely together on return as well, between the different agencies, as we have very well done with regard to the reception of asylum seekers. One very vulnerable group are asylum seeking children for whom the social services have decided that they cannot stay with their families because of abuse or diseases or other issues. So the children stay in foster families in Sweden but after several years, they might have to return with their parents. In Sweden, we have a law that says that when children cannot stay with their parents, the Immigration Act takes precedence over the Child Care Act and therefore the children have to go back with their parents. The Swedish authorities have to try and make a good return for this family and it is a major challenge to achieve this with due consideration to the best interests of the child. The meeting has been a great inspiration and offered new ideas and contacts.

***Renata Kuleš, Liaison/Protection Officer, UNHCR, Lithuania***

The UNHCR Office in Lithuania belongs to UNHCR's Regional Office located in Sweden, which is responsible for Northern Europe and covers the Scandinavian and Baltic countries. The two days of the meeting have been interesting and offered a broader perspective of the issues that asylum seeking children can face. There are many similar cases and challenges in handling the cases. Children are moving a lot, they go missing from reception centres and we do not know how and where they go. This happens also in Lithuania. If there are common issues and problems, there might also be common solutions. Thus far, I think we have not yet found the key to solve the issue of missing children. A major challenge is to understand what the best interests principle means in practice. UNHCR and UNICEF are working together to publish guidelines on the best interests of the child, which will be published later this year. We will roll out the guidelines within this region. At UNHCR, we have a tradition of issuing 'Presidency Papers' on issues that we consider particularly pertinent. The papers are primarily addressed to the current EU Presidency and present recommendations for the directions that the EU might take on specific issues. We issued a Presidency Paper in June that covers, among others, questions related to access to territory, asylum procedure, solidarity and responsibility sharing within the EU. UNHCR holds that the majority of people fleeing Syria are most likely refugees in need of international protection and that their rights need to be addressed better within the EU. We also called for increasing the responsibility and responsiveness in the EU asylum system, operating a fair and effective asylum reception system. We also called to eradicate statelessness. Combating human trafficking is a special part of the Presidency Paper as victims of trafficking may have special protection needs. The law enforcement agencies therefore need to know how to identify and refer victims of trafficking to asylum authorities when needed. It is important that their protection needs are correctly identified and addressed in light of the provisions of the EU asylum acquis and the provisions on human trafficking. A recent European Migration Network study has pointed out that victims of trafficking are present in the asylum reception system and that their numbers are not insignificant. The study identified gaps in the responses to these persons that need to be further addressed.

***Aiste Jankauskaite, Social Consultant, Missing Persons Families Support Center, Lithuania***

The presentations and discussions were very interesting, especially because they were practical and they reminded us that we should focus stronger on prevention. In Lithuania, there are for instance no school programmes that raise the awareness of children on human trafficking and provide information early on. Existing prevention measures often remain inefficient and victims of trafficking continue to come to our centre. We might also work more on parenting skills to strengthen families and their preventive capacities. Most of the victims of trafficking whom we host in our centre are adults but they might have children so they need parenting skills. We also need to improve the living conditions for children and families that live in very poor conditions, not only within cities but also in the outskirts and in rural areas. There are many different views and interpretations of who is a victim of trafficking. So we need to cooperate and provide more training to achieve a common understanding. It is important that we are aware that traffickers might be Lithuanian nationals like in the case presented. There is a common perception that they tend to be foreigners. In Lithuania, we do not have a special shelter yet for child victims of trafficking. To place children in a children's home might not be the best solution especially in cases where children are at risk of committing suicide. There is one example of a girl who left a letter and said that she was going to commit suicide in Germany and she went by bus. We called our partners in Germany through a hotline and informed them about the girl and the bus she might have taken. They managed to find her in time. The cross-border cooperation needs to be strengthened and we need to know whom to contact in the different countries.

***Katri Lyijynen, Senior Inspector, National Assistance System for Victims of Trafficking, Joutseno Reception Centre, Finland***

The National Assistance System for Victims of trafficking provides services for victims at the Joutseno Reception Centre, which is a state run centre. The National Assistance System is state funded and assists adults and children. The System handles the challenging task to assist the victims not by itself but cooperates with other agencies, institutions and organization. When talking about child and adolescent victims, the child welfare services are usually the main decision makers whom we consult. They provide technical assistance. It is a challenge to maintain an overview of all the relevant laws applicable in these cases and to apply them in a holistic way. We have had only a few child victims of trafficking who have been identified and referred to us. The begging, shoplifting and forced criminality is more or less absent from the child protection debate in Finland. Children involved in these situations are primarily seen as a migrant phenomenon and the attitude is often that "it is part of their culture". There is still need for more training on how to respond to child victims of trafficking. The presentations point out how much there is still to do. One problem is that we are lacking a systemic approach in policies, protocols, and case management. In many cases, we are working very much on an ad hoc basis. We do have had some success in Finland in investigating and prosecuting cases, but need more training on the holistic approaches and protocols. The principle of the best interests of the child has been specified in the Child Welfare Act. Yet, it remains challenging to apply it in practice. In cases of child trafficking, the child protection professionals may need to seek the knowledge and expertise from professionals specialised on trafficking issues. There has been a discussion of the best interests determination specifically with regard to the return of children or family tracing. It is currently not very clear which authority holds the responsibility for assessing the best interests of the child with regard to family tracing and return. As long as there is no legal clarity on the lead responsibility no-one might take on the responsibility for these matters. We are often missing the transnational perspective and the fact that the child might be a victim of trafficking is not always taken into account which can lead to wrong decisions. This is particularly the case when children might be exploited by parents or when the parents are themselves exposed to exploitation. In cases where a mother is exposed to sexual exploitation, the child living with the mother in this situation is not a victim of trafficking but still very vulnerable. The mother might not be able to take care of the child due to the difficult situation that she is in and in some cases the mother might not be able or willing to accept the support services offered. As authorities, we have very little knowledge about the situation of these children. The decisions that we make for parents have a direct impact on children for instance when parent gets a temporary residence permit for the duration of criminal proceedings and the question is what happens after that when the parent may have to return with the child.

***Edita Žiobienė, Ombudsperson for Child Rights, Lithuania***

The presentations and contacts made at this meeting have been very important. Many decisions that we take are related to the best interests of the child. Usually we ask how to assess and determine the best interests of the child and we ask every professional to have a holistic approach. But how can this be achieved in practice? Usually we need a lot of tools to achieve this so the most important thing is cooperation and trust in the cooperation with each other. The cooperation and trust between police and social workers is particularly important to protect the person while supporting also the investigations. If we provide more and more knowledge to each other we will have a more holistic approach. Not only Conventions are important but we need to apply them in practice. Sitting in these events, we get a lot of knowledge and maybe sometimes we understand that we need to change the way we think, maybe we need to renew our knowledge. In reality when we analyse and speak with others, our perspective is changing. Not only the international and regional standards are changing but also the way we apply them. We need these personal contacts to know each other better and to communicate better in this process.