

RESILAND

PARTICIPATION, CAPACITIES AND RESILIENCE OF CHILDREN
ON THE MOVE AGAINST TRAFFICKING & EXPLOITATION



ORIENTATIONS

FOR PROFESSIONALS AND OFFICIALS
WORKING WITH AND FOR CHILDREN ON THE MOVE



Co-funded by the Prevention
of and Fight against Crime
Programme of the European Union

www.resiland.org



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DEFENCE FOR CHILDREN
International-Italia



ASSOCIATES



The University of
Nottingham

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PARTNER ORGANISATIONS:

Centro de Estudos para a Intervenção Social (CESIS), Portugal
Defence for Children International – Italy
Family and Childcare Centre (KMOP), Greece
Hors La Rue, France

CHILDREN AND YOUTH:

- France:** Adrian, Alexandra, Armelle, Camita, Cheikhouna, Daniel, Daniel, David, Denaris, Diaby, Eli, Estera, Filip, Fodé, Gabriela, Isus, Khawar, Lamíita, Mahamadou, Marta, Matei, Moise, Moussa, Pansela, Rafael, Sekou, Toma, Vasile, Vasile and Veronica.
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NATIONAL PROJECT TEAMS:

- France:** Martina Andreeva and Bénédicte Cabrol, National Coordinators; Bogdan Pinteau, Assistant National Coordinator; Séverine Canale, Administrative and Finance Management; Julien Boyer, Social Worker.
- Greece:** Antonia Torrens, Project Coordinator; Vasiliki Karkantzou, Project Manager; Efterpi Gelastopoulou, National Coordinator; Fotis Roussakis, Financial Management; Maria Efthimiou, Administrative Management.
- Italy:** Pippo Costella, Project Coordinator; Júlia Pàmias, Documentation and Researcher; Gabriella Gallizia, Web and Communication; Lanciné Camara, Research and Web Assistant.
- Portugal:** Ana Cardoso and Mario Jorge Silva, Project Coordination; Ana Paula Silva, Project Assistance; Sandra Soares and José Carlos Amaral, Financial and Administrative Management.

AUTHORS:

Daja Wenke, Júlia Pàmias and Pippo Costella

ADVISORY GROUP, TRAINING AND REVIEW:

Ivan Carlot, Municipality of Venice, Italy; Mike Dottridge, Child Rights Expert, UK; Philip Ishola, Independent Child Protection, Human Trafficking, Human Rights Consultant, UK; Lars Lööf, Programme Officer, Swedish International Centre for Local Democracy, Sweden; Lino Losi, Ethno-Systemic-Narrative School, Italy; Virginia Murillo Herrera, Executive President, Defence for Children International, Costa Rica; Julia O'Connell, Davidson, University of Nottingham, UK; Daja Wenke, Independent Researcher and Consultant, Child Rights.

CONTRIBUTORS:

Participants in the Resiland Seminars convened in Avigliana (TO), May 2015 and Athens, June 2015.

VIDEO DOCUMENTARY BY:

Stefano Grossi, available on www.resiland.org

ILLUSTRATIONS BY:

Max Frezzato e Eleonora Trinca, "The GATE Game"
www.gate-eu.org

LAY-OUT & DESIGN:

Yoge Comunicazione Sensibile, Italy

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PREFACE

“The roots do not sink into the darkness of ancestral origin, searching the purity, but they widen in surface as branches of a plant, to meet other roots and to shake them as hands.”

Édouard Glissant

In 2015, the international migration flow into the European Union has risen to new peaks, close to those registered in the early 1990s. Many of the persons entering Europe are fleeing conflict, terrorism and violence, persecution, fragile states or extreme poverty. Those who arrive in the European Union are commonly referred to the asylum reception system and the high number of applications represents a challenge to the receiving states. The situation calls for an urgent and sustainable, humanitarian and rights-based response in places of origin, transit and destination. Behind these large-scale population movements are women and men, families with children as well as unaccompanied girls and boys. They are looking for security, peace, protection and better opportunities for a decent life.

The European debate on asylum and immigration focuses traditionally on the capacity of the destination countries to receive migrants and refugees and to safeguard their human rights. Resiland takes a different approach. It starts from the persons and their stories.

The underlying assumption of Resiland is that the reception and protection of children needs to place the child and her or his story at the centre of all measures. Working with a child-centred approach means to listen to the unique stories of children on the move. Listening is a fundamental precondition for understanding their needs and aspirations and for safeguarding their rights. A child-centred approach means further that a child is treated with dignity and respect, that all processes are transparent and involve the child closely in each step. A child-centred approach treats the child as a rights holder and protects the child in order to enable her or his development.

Starting from this general assumption, we considered in Resiland the agency and evolving capacities of the child a central dimension of child protection. We assumed that genuine and active listening is a central competence of professionals and officials called to protect children and to safeguard their rights. Listening to children involves more than formal interviews. It requires also the capacity of professionals and officials to create space and occasions for hearing children in a safe and trusted environment as well as relevant attitudes and tools to integrate children's perspectives in any action concerning them.

Listening to children offers information that is essential for the development of tailor-made responses to protect and empower each child and to prevent further harm. Meaningful participation could therefore hold opportunities for strengthening the resilience of children and their capacities to cope with risks, including risks of exploitation and trafficking.

In many situations, children on the move are considered primarily in the 'here and now'. While this perspective is important, it risks to exclude the consideration for the child's past and future. Responses that focus strongly on the immediate needs, combined with generalised assumptions on the needs of children on the move, might prevent professionals and officials from gaining a more realistic perspective of the rights and needs of an individual child.

The tendency to 'categorize' persons and their situations together with an adult-centred cultural attitude that tends to exclude children from decision making processes, appears particularly dominant in determining the level of risk and protection for children on the move. Cultural diversities and prevailing stereotypes related to gender, age and national origin can also significantly shape the way that children on the move are being perceived. Children are often seen as vulnerable and in need of protection while their resources, capacities, skills and aspirations might be overlooked. An unregulated immigration status might reduce the child's possibilities for participation even more.

Resiland created spaces and occasions for children on the move to share their perspectives on what could be considered 'protection', based on their experiences and stories. Our aspiration was to be as delicate as possible in soliciting and listening to these perspectives and translating them in information to enhance protection, strengthen reception systems and the protective capacity of the persons working with and for children on the move.

This publication translates the perspectives shared by the children into a series of orientations for professionals and officials working with and for children on the move. It focuses on the opportunities within the existing asylum reception and child protection systems. Despite the limitations of these systems, there are important opportunities to enhance the well-being of children and their resilience against adverse events, including exploitation and trafficking.

The apparent simplicity of this set of orientations might be perceived to challenge the technical approach to child protection, which is often used by agencies and professionals. In fact, the perspectives proposed by the children are not always aligned with the well-codified technical language that is predominant in adult-made strategies and theories. Nevertheless, we decided to represent these orientations in close synergy with what the children told us. Beyond the ethical commitment towards children to convey their messages, we believe that these orientations are addressing crucial issues that, if taken seriously into consideration, could qualify protection systems and actors working for and within them at different levels.

Professionals and officials working for the protection of children on the move are important characters in the children's stories. At the same time, children on the move are in the position to determine our own narrative and change our own stories. The intent of the orientations presented in this booklet is to positively support this exchange.

We would like to thank all the children who participated in this project for having shared their time, openness, experience and creativity with us in the hope that we will have the capacity to share the same elements with other children in similar, but never identical, situations.

Pippo Costella

Director, Defence for Children International – Italy

INTRODUCTION AND RATIONALE



Stories of children on the move reveal important insights into their backgrounds, aspirations and needs, especially when told by the children themselves. They convey valuable messages that can guide professionals and officials in their interaction with girls and boys.

The **project Resiland** is centred around the stories of children on the move. The stories are considered an interface between the child as 'a case' and the social workers, immigration officials and other professionals as 'case managers'. Resiland aims to understand if and how hearing the stories of children and active listening can strengthen the quality of the human relations in service delivery. Two central questions guided the project design: Could listening to the stories of children on the move help to prevent that they are treated merely as 'cases' or 'objects of protection'? In how far can due consideration to their stories, personalities and human rights enable a more humane interaction, increase the quality of service provision and strengthen the safeguards for children on the move? These questions are highly relevant in the context of the reception, care and protection of children on the move in places of transit and destination, and in the context of return.

Resiland was implemented by four partner organisations in France, Greece, Italy and Portugal over a two-year period between 2013 and 2015, with European Commission co-funding.¹ The overall **objective of Resiland** was to reinforce the capacities of children on the move to protect themselves against risks of exploitation and trafficking. The project rolled out broad-based consultations with children on the move and with professionals and officials working with and for them. The consultations aimed to identify possible sources of resilience for children on the move. The intention was also to strengthen the children's capacity to identify their needs, opportunities and possible solutions to difficulties they face. In parallel, the project involved professionals and officials and encouraged them to support the active and meaningful participation of children as a fundamental safeguarding measure.

Throughout the four partner countries, 150 children participated in the **Resiland activities**. Among them, 110 were third country nationals while 40 children were migrants from within the European Union. They were all adolescents aged 16 and above. The majority were boys and approximately one fifth were girls.

Resiland involved also 150 professionals and officials working with and for children on the move in the four participating countries. An additional 60 professionals participated in the two specialised seminars. Together, these professionals and officials informed the process and approach of Resiland. The experience is documented in a video production available on the Resiland website.

The children participated in **creative workshops** in the four countries. In each country, a series of four workshops were organised that allowed the children and researchers to establish a trusted atmosphere. In these workshops, the children developed a meta-story of an imaginary character named Resil who departed from his place of origin towards new destinations. The workshops were organised as narrative sessions with the objective to enable and encourage the children to identify risk and protection factors during each phase of migration. The children projected their own experiences, hopes and aspirations into Resil's story as well as difficulties and bad things that they or their peers have experienced on the way. They engaged in this narration without having to disclose personal memories.²

This **metaphorical approach** has been chosen deliberately to treat the children's own experiences with discretion and not to engage the children in yet another interview situation where they are asked to tell their stories. The narration of the idealised story of Resil offered a possibility for the children to reflect again on their own experiences from the more objective perspective of the boy Resil.

The project teams analysed the meta-stories developed by the children within each country and in a transnational comparison. This analysis resulted in the development of the **Resiland Safety Map**³, an idealised account of Resil's story. In the safety map, Resil speaks directly to children on the move, shares his own experiences and gives hints and advice about possible risks and sources of protection that children on the move might face at any stage of their migration.

Resil's story starts at his home and takes the reader from the decision to leave, the departure and travel, through to the place of arrival and settlement. The story is idealised as Resil survives and succeeds in overcoming all difficult moments. He is the hero of a story that could become dangerous, violent, harmful and life-threatening for others. Resil's story remains silent on his concrete motivations to depart. The reader gets however a sense that Resil left from a functional family background and that his home community did not appear to be affected by war or armed conflict. While Resil's migration experience is not untypical for an unaccompanied child, it cannot be generalised for all children on the move.

1 For more information about the project see: www.resiland.org

2 The stories developed by the children who participated in Resiland and a description of the methodology are available at www.resiland.org.

3 available at www.resil.resiland.org

INTRODUCTION AND RATIONALE

This booklet for professionals is based on Resil's story as reflected in the Resiland Safety Map for children. It translates the children's key messages, learning and advice into orientations for professionals and officials working with and for children on the move.

An analysis of Resil's story reveals some important observations on how professionals and officials can support children to feel better, to trust and gain confidence, even in the difficult waiting period while a decision on their application for asylum or residence is pending.

These observations come down to basic matters concerning the quality of human relations, dignity and respect, a healthy life and perspectives for the future:

The children care about their accommodation and the place where they live. It is important for them to feel safe and at home. Having social contacts with friends, peers and adults helps them to build social support networks. Individuals whom they can relate to as support persons or points of reference make a difference for their ability to gain confidence and trust. Children enjoy having an active life with a good balance of school or vocational training, quality leisure time and, if applicable, work. A well-balanced, active life and social contacts promote the integration and social inclusion of children in the place of arrival. The children care about feeling part of a community in the place of arrival while also remaining in contact with the family and community of origin. All this supports children in recovering from difficult experiences and reconciling with the adversities in their own stories. Being heard and taken seriously with their needs, aspirations and their unique stories is fundamental. For professionals and officials working with and for children on the move, this implies a need to demonstrate to each individual child that they are important as a person and that their stories matter, and to treat the child with dignity and respect.

The structure of this booklet follows Resil's story and reflects key phases of a migration project, from the home context through to settlement in the place of arrival or return. These phases and the experiences and memories of the child in each migration phase are all closely connected. It is therefore important to understand the journey as a continuum of experiences. Each phase has a bearing on the child's present situation and on her or his future. Risks of exploitation and trafficking and sources of protection can be identified at any moment of this migration process. Quotations from Resil at the beginning of each chapter connect this booklet with the safety map for children.

It is noteworthy that **many elements of Resil's story relate to the human rights of children as afforded under the UN Convention on the Rights of the Child** and other international and regional standards. These parallels add authority to the children's account. Throughout the booklet, Articles of the Convention and other relevant sources are cited to illustrate the close relation.

The Resiland booklet for professionals and officials refrains from analysing national child protection and asylum reception systems. It aspires to encourage professionals, officials and volunteers working with and for children on the move to make a difference within the given opportunities and limitations of the child protection, immigration and asylum reception systems. The booklet is therefore conceived as a 'humane' counterpart to the existing guidance and recommendations concerning children on the move, which focus on technical aspects of law, policies, institutions and services. By focusing on the human factor in the reception of children on the move, this booklet aspires to be complementary to the ongoing initiatives to strengthen national child protection and asylum reception systems.

Resiland was developed **in continuity to previous study projects** implemented by the project team, in particular GATE and IMPACT.⁴ GATE focused on guardianship for unaccompanied children, while IMPACT engaged in an analysis of protection systems for children and the

⁴ CARDET, Defence for Children International – Italy et al., *GATE, Guardians Against Child Trafficking and Exploitation, European Report*, 2012. CARDET, Defence for Children International – Italy et al., *IMPACT, Improving Monitoring and Protection Systems Against Child Trafficking and Exploitation, Transnational Analysis*, 2013.

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capability of public administrations to make these operational in practice. Resiland took these analyses further by focusing on children on the move and their stories.

The approach of Resiland has evolved from these previous study projects and follows their logical thread of analysis. In essence, a **key learning** that has emerged from this process is that the normative framework for safeguarding children on the move is strong. Numerous laws, policies, institutions, guidelines and recommendations are in place to safeguard children on the move. They have been developed at the international, European and national levels. The meaningful and reliable implementation in practice remains however a challenge. The previous study projects concluded that there is an urgent need to strengthen the quality and scope of the implementation of existing laws and policies in practice, in light of the human rights of the child afforded under the UN Convention on the Rights of the Child. A second key learning is that narrow protection focused approaches are not always prepared to safeguard children on the move in a holistic way.

Against this background, the orientations presented in this booklet speak directly to professionals and officials involved in case assessments, case management, care planning and investigations. They **encourage professionals and officials to actively use their social skills, empathy and human capacity in any interaction with children on the move**. They invite professionals and officials to relate to the child first and foremost as a person, irrespectively of the child's status as a migrant or asylum seeker.

When professionals and officials listen to the child's story, they may discover new aspects that differ from common stereotypes about child migrants, child victims of trafficking and unaccompanied asylum seeking children. Listening actively and attentively is essential for understanding the needs and assessing the best interests of the individual child and for offering tailor-made services. The **orientations in this booklet should therefore in all cases be interpreted in light of the individual situation of each child and her or his best interests**.

The overall objective is to raise awareness of the crucial difference that each professional and official can make for safeguarding children. **The Resiland booklet aspires to sensitise professionals and officials to their own vital role in making national child protection systems function effectively** and applying the rights, principles and safeguards of the Convention on the Rights of the Child in practice. Applying the Convention in practice means so much more than protecting children from violence. The Convention holds an invaluable potential for broad-based prevention and an investment into the development of children and the younger generations.

A reading list of key sources that informed the development of Resiland is enclosed at the end of the booklet.

HOME

“I come from a country very far from here where I lived with my family in a large community with lots of friends. I went to school, I enjoyed playing football but I also worked to support my parents: In the afternoons, I used to help my father with his activity. We had a small field where we used to grow vegetables. My mom is very good at cooking them with rice and sometimes chicken. The moment I liked most at home was the time to go to bed. I had my own room. It was small but it was my own place. There, I was free to think and dream about my future...”




MAPPING THE CONTEXT

In their home communities, children usually have a good 'map of the context'. They know their way around, they have family relations, social contacts and support networks, and they feel familiar with their direct environment. Leaving this context can cause disruption and disorientation. When the child arrives in a new place, it is important to create a new 'map' as soon as possible, irrespectively of how long the child is going to stay. Step by step, the child gains confidence in the new environment, gets to know the people and their customs, finds out where to turn to for advice or support and how to find their ways around in day-to-day life or for special necessities.

In the process of mapping the new context, it can be helpful to understand what 'home' means to the child and what it takes to feel at home. This understanding is often very subjective and relates to the familiarity that the child felt in the community of origin.

Professionals and officials can support the child in mapping the new context. They can draw the child's attention to the importance of creating a personal map and help the child to regain a sense of feeling at home in the place of arrival. They can prevent that the child experiences new disruptions, for instance by avoiding unnecessary relocations within the country of arrival, frequent changes of caregivers or unprepared transfers across borders.



Engage the child in a conversation about what 'feeling at home' means to her or him. Support the child in creating a personal map of the place of arrival with her or his preferred points of reference and confidence.



FRIENDSHIPS AND RELATIONS

Making friends in a new place is not always easy. Arriving in a different country or continent, where people look, speak and behave in unfamiliar ways, can cause stress. Particularly so for children who have made the journey alone and who are uncertain about their future. Making new social contacts and friends is a precondition for the child to gain confidence about her or his place and role in the new community.


In their home communities, children usually have a diversity of social contacts with members of the direct and extended family, friends and peers, teachers and other adults. In the place of arrival, it is not always easy for children to re-establish such a diversity of social relations.

Meeting and interacting with peers is an essential element in the daily lives of children. Children on the move can benefit from meeting peers who have similar stories as migrants or asylum seekers as well as children and young people with different backgrounds, including

nationals and residents of the place of arrival whom the child could meet at school, in sports or leisure time activities.

Contacts with adults are also important. They could include social workers, guardians, social contacts from the mainstream population and from diaspora groups. Getting to know the stories of others can become an important source of inspiration, learning and encouragement. Sometimes, trusted adults can act as support persons, mentors or coaches.

A diversity of social contacts and relations can support the child's integration and social inclusion. A child who receives support upon arrival will gradually feel accepted and become an active member of the community.



Support the child in making positive social contacts and friends among children, youth and adults from different population groups, with a view to fostering a sense of belonging and making the child feel as a member of a community where people care about her or him.



VALUING PERSONAL EXPERIENCES AND SKILLS

Children who migrate or move unaccompanied are considered vulnerable and in need of protection. While child protection and other services responding to immediate needs are central in the reception of unaccompanied girls and boys, it is also important to be open minded about the evolving capacities, skills and talents of a child, to understand and promote them actively.


Being a non-national who asks for protection and uses services in the place of arrival can have a disempowering effect on the child, or could be perceived as such. The role of the child as a migrant or asylum seeker and service user represents however only one small fraction of the child's personality and story.

Prior to their departure, many children were socially and economically active in their home communities. With the departure, this aspect of the child's life and personality changes. In the place of arrival, it would therefore be important to consider the child from a more holistic perspective, in light of her or his background and story and the role that the child had or still has in the home community.

It is possible to balance the disempowering effect of being a foreigner and service user with opportunities for children to participate actively in the community of arrival and to contribute with their time, skills and talents, in line with their best interests. Children who have lived through difficult experiences might enjoy opportunities to focus on what they are good at.

This could be a source of strength and may help them in feeling better. Giving the child a chance to enrol in school or training and develop her or his skills and capacities is an investment that will enable the child to contribute to the community in the future, in the place of arrival and/or origin.

Professionals and officials can support children becoming active members of their new communities, with due consideration to the best interests of the child. This can have an empowering effect and help the child build resilience.



Find out together with the child about activities, skills or talents that the child particularly cares about. Support children on the move in leading an active life, exploring their skills and talents and promoting them according to their aspirations and best interests.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 5: The evolving capacities of the child

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

EXPLAINING CULTURE AND THE HOME COMMUNITY

Professionals and officials working with and for children on the move are usually gathering information from different sources to understand the child's background and context of origin. Understanding the child's origins is central to the determination of the best interests of the child and the identification of a durable solution. Being sensitive to cultural differences in behaviour and communication can help professionals and officials in their interaction with the child. This will be important for deciding what kind of services will best respond to the child's individual needs.

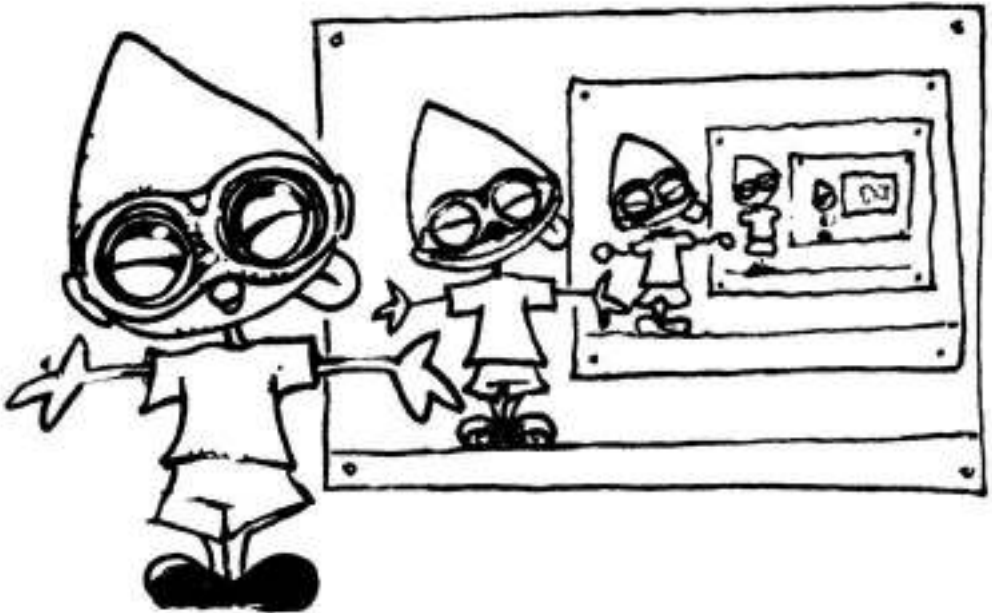
Professionals and officials who have a good socio-political awareness might find it easier to understand the causes and contributing factors of the child's migration. They might deepen their understanding even further if they consider the situation of the child and family in the community of origin also from a macro perspective, in the light of regional and global dynamics and power relations.

If the child feels comfortable to, speaking about her or his home and origin can help to maintain this part of the child's identity meaningful and valuable in the place of arrival. It could make it easier for the child to strike the difficult balance between starting to integrate in the place of arrival while also maintaining ties to her or his origins. Both aspects are important, particularly so during the waiting period when a decision on the child's application for asylum or residence is pending.

Give the child space and time to talk about her or his home community and its culture, customs and peculiarities. Listen without pressuring the child to speak about it. Be open-minded about social and cultural differences and acquire a basic understanding of places of origin and the causes and contributing factors that led to the child's departure. This is important for understanding the child's background, for determining the best interests of the child and for identifying a durable solution.

DECISION TO LEAVE

“**A**t one point, the situation in my country became difficult for different reasons. After some discussions at home, we decided that the best thing to do was for me to leave the country in order to find better opportunities, earn some money and help the family from a distance. I could come back once the situation improves. It was a very hard decision to take, my mother was really sad and I had conflicting feelings: I felt excited and curious but I was also afraid because this meant to leave my dear ones and to walk alone in unknown territories.”



ASSESSING AND LIMITING RISKS

The circumstances of the child's departure and the correlated risks and opportunities are usually very individual and differ for each girl and boy. Professionals and officials working with and for children on the move need to understand how the decision to leave has been made and to which degree it has been influenced by poverty, insecurity, social dynamics, family matters or other factors at the micro and macro level. Understanding to which degree the child's departure was conceived as a coping strategy to mitigate risks is important for a number of processes in the place of arrival. The context of the decision making process is relevant for care planning and protection, for the development of a life project for the child, for the determination of the child's best interests and the identification of a durable solution, including the possibility of safe and sustainable return.

Seek the dialogue with the child about her or his 'migration project' and the underlying risk factors, aspirations and motivations that led to the child's departure. Take the circumstances of the child's departure into consideration for care planning, best interests' determination and the identification of a durable solution.



DISCUSSING DECISIONS

In addition to the circumstances of the decision to leave, also the decision making process and the child's role in it matter. Understanding the decision making process preceding the child's departure can reveal important details about the information that was available, how risks and opportunities have been assessed and balanced and whether the decision has been well-planned for or taken ad hoc. It is important to understand to which extent the child participated in the decision making process and if or how the child's views have been heard and taken into account.

The experience of the child in relation to the decision making process leading up to the child's departure can have a bearing on how the child behaves when new decisions are to be made. Children on the move often find themselves in situations where they have to make very difficult decisions, sometimes with very little support. Some children decide to move on from a first place of arrival if they seek to find family members or better chances elsewhere. Some decide to leave a reception centre and to remain in the country or move on as undocumented migrants. Understanding the child's agency and attitudes towards important decisions is essential to provide appropriate support in the place of arrival and for the child's continued migration if and as applicable.

DECISION TO LEAVE

Decisions are often determined by elements that are not necessarily visible or clear to third persons, such as loyalty, social dynamics related to success stories of migrants or a mandate to support the family through remittances. Professionals and officials working with and for children on the move need to be aware of these dynamics. They need to understand them in order to take them into account for care planning and best interests' determination procedures.

Professionals working with and for children on the move and trusted support persons play a key role in empowering the child in decision making processes. They can teach the child skills and techniques to render decision making processes safer. As an important precondition, the child needs to have access to information in a language that she or he understands. Professionals working with and for children on the move can train the child how to seek and verify information from different sources, how to assess the reliability of sources, how to consult with others and negotiate their interests. These skills will help the child to become more confident about estimating and balancing risks and opportunities. All this can help children to get a better sense of decisions that are in their best interests. Feeling more confident about making important decisions is a significant source of resilience.

Engage the child in a conversation about decisions that are important for her or him. Invite the child to express her or his views about the own role in decision making processes. Support the child to express her or his personal views in decision making processes and discuss with the child ways and means to gain confidence and agency in decision making, for instance learning how to assess the reliability of information from different sources, how to estimate risks and opportunities and how to reach a conclusion about the own best interests.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 12

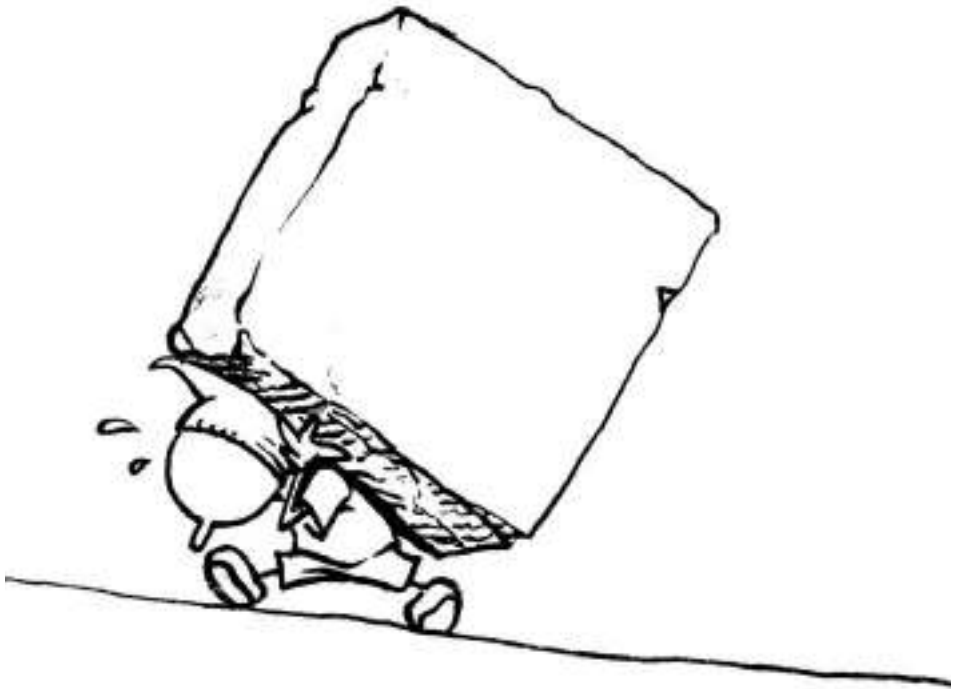
1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13.1

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

DEPARTURE

“**A**rranging for my departure was not easy: my family collected some money for my travel. They had to sell a small field where we used to cultivate some vegetables and they borrowed some money from a relative. My father got in touch with someone who organized the journey. I had to join a group of persons who were leaving the country like me. I knew that it would be a hard journey, full of difficulties because I had heard some stories of persons who left and never sent back any news to their families or others whose travels lasted years and at the end they were sent back to the village with nothing but their desire to leave again. But I had also heard of some positive stories of friends who had left and were living in comfortable houses with water, electricity and a big television. Every month, they were able to send some money home.”




PREPARING FOR CHANGES

The departure from a familiar context into an uncertain future is a major rupture in the life of the child and the family. It is often unsettling and worrying, especially so for a child who is departing on an uncertain journey alone. Children do not always have the time, opportunity and relevant information or counselling to prepare for such major changes. Being unprepared may increase their anxiety even more, as the implications of the decision to leave might not be clear to the child. The child may have lived through single or repeated departures in the past and might have to face new departures and major life changes in the place of arrival.

Professionals and officials working with and for children on the move can help children reflect upon the meaning of life changes. Talking about life changes could help children to become more familiar with their personalities and stories and understand them in the context of their backgrounds, relations and experiences. Getting to know and feel confident about the own person and story can become a solid basis for a life project.

Children who have lived through difficult experiences in their home or on the journey may need support to be able to reconcile with their past and present. Reconciliation can prepare the child to face present and future challenges and to handle them without losing track of her or his life project.

Professionals and officials working with and for children on the move can support the child in getting prepared for life changes. Acquiring skills to reflect constructively on past changes and to apply the learning to future ones can constitute a source of resilience. This might help the child to feel more protected in new departures and life changes.



Support the child in getting prepared for changes in life. Offer counselling for the child to reconcile with the changes she or he has lived through in the past. Help the child to gain confidence in her or his own evolving capacities to cope and to keep track of her or his life project.

STRENGTHENING PERSONAL RESOURCES

Children travelling alone may find themselves, occasionally or repeatedly, in difficult situations, often with very little access to support. Sometimes, these difficulties may be overwhelming but sometimes, children have coping skills to handle them.

Professionals and officials can support children on the move to learn life skills and coping strategies. These include, for instance, social and negotiation skills, knowledge about existing support services and how to access them and an awareness of the importance of social support networks.

Strengthening the personal resources and evolving capacities of a child is an important investment in the child's safety and development. The child will benefit from this in the place of arrival as well as in the country of origin, should the child have to return.

Professionals and officials working with and for children on the move should be sensitive to the child's own capacities to assess and interpret situations. It is important to listen to children and understand their own perspectives on risks and personal capacities. These might differ significantly from the adult's perspective and have their own validity and meaning even if they are not easily accessible to an adult.

Explore together with the child her or his skills, personal capacities and resources. Seek to understand the type of support that the child needs in order to strengthen and activate these capacities and resources in a way that is oriented at the protection, empowerment and development of the child.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 29: Aims of education

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.



RELATING TO PERSONS THE CHILD DOES NOT KNOW

Children who move unaccompanied encounter many persons on the way whom they engage with informally, in business relations, in official contexts or otherwise. These contacts may be of a protective or risky nature. Children need to manage such contacts often with little support and under difficult conditions, across language barriers, cultural differences and power imbalances.

These experiences are shaping children's knowledge of human nature and people skills. Children who have repeatedly made negative experiences with persons in their home communities, on the journey or in the place of arrival may find it increasingly difficult to trust.

Children have their own views of how to meet and interact with persons they do not know. Listening to their perspectives and experiences can help professionals and officials getting to know the child and her or his story better. Professionals and officials might engage the child in a dialogue on what constitutes a source of risk or protection, right or wrong, in human relations.

Supporting children in expanding their social skills and skills to negotiate their rights and interests constitutes an important investment in their resilience. When a child receives support to make positive encounters, this could be an entry point for gaining trust and confidence in social contacts and support networks.

Support children in testing and developing their social and negotiation skills, knowledge of human nature and people skills as these are essential in their interaction with peers and in communities, with service providers and other professionals and officials. These skills are fundamental for understanding sources of risk and protection that are inherent within human relations.

AVOIDING TO BREAK THE LAW

During the journey and in places of transit or destination, children may find themselves in situations where they get in trouble with the law. The child might infringe on the law knowingly or without being aware of it. It may happen spontaneously, in lack of any viable alternatives or because someone induces or coerces the child. These experiences might be upsetting for the girl or boy concerned, cause fear of authorities and might involve dependencies on third persons. Overall, they can have a disempowering effect on the child.

Professionals and officials working with and for children could create spaces for the child to talk freely and in confidence about incidents where she or he got in trouble with the law, without having to fear any consequences. Understanding these incidents in the child's past can help obtaining a more comprehensive picture of the child's story. It can also help professionals in counselling the child in order to prevent that similar situations will occur again in the future. Access to legal advice and representation is essential in this context and constitutes an entitlement of all child victims of crime, asylum seeking children and children in trouble with the law.

In cases where the child has been coerced or otherwise induced to commit illegal acts, or where a child has been exploited in illegal or criminal activities, it would be important to consider the child as a potential victim of exploitation or trafficking and to further investigate the conditions and risks in order to enhance the protection of the child from renewed or continued exposure.

In some cases, professionals and officials working with and for children on the move might get the impression that the child's perspective on the law differs from their own. This might be related to the child's context of origin, where certain acts are legal that are unlawful in the place of arrival, or where certain infringements are socially condoned so that the child did not develop the same level of sensibility towards illegal acts as children in other places would.

The child might perceive professionals and officials in the place of arrival with a certain level of ambiguity. They are offering protection on one side but can also cause the child to confront the consequences of illegal acts that the child has been involved in. Some children might perceive this ambiguity as unfair.

Create trusted spaces where a child can talk about experiences with illegal or criminal acts. Inform the child about the law in the place of arrival and the consequences of any infringements. Use the child's disclosure to develop tailor-made counselling and support services for the child, while also taking into consideration any possible implications for the child's asylum claim or residence, or the child's status as a victim of trafficking.


GIVING THE RIGHT WEIGHT TO MONEY

Many children who are leaving a caring family and community context and who depart unaccompanied, are suddenly left to themselves. They may have been rather independent before their departure, but once they are travelling alone, they are solely responsible for themselves and have to manage their lives also from an economic point of view. Finding ways to make money and managing expenditures might become a central aspect of their daily lives.

When children enter the reception system for unaccompanied asylum seeking children in countries of arrival, their possibilities for economic independence and income-generating activities might be significantly reduced, at least for an initial period of time. The child's involvement in economic activities can create tensions with the care arrangements for the child and the child's rights and needs with regard to education, health and development. This can have a discouraging effect on children who are expected to gain an income and to send money home to their families. The conflict between the expectations of the child to earn money and the limited opportunities to do so in practice can render the child more vulnerable to situations of exploitation and trafficking.

In order to get a comprehensive view of the child as a person, professionals and officials need to be open to understand the child also as an economic actor. They might exchange views with the child on the meaning of money. There may be different dimensions to this such as economic aspirations, income generating opportunities, debts and financial responsibilities towards others. These dimensions should be addressed in a transparent way in the care planning and life project of the child in the place of arrival.

Even if it is not possible to respond to the economic aspirations of the child, professionals and officials working with and for the child can demonstrate that they are sensitive to the child's responsibilities and take them seriously. They might engage in an open and trusted dialogue for finding solutions that work in the moment.

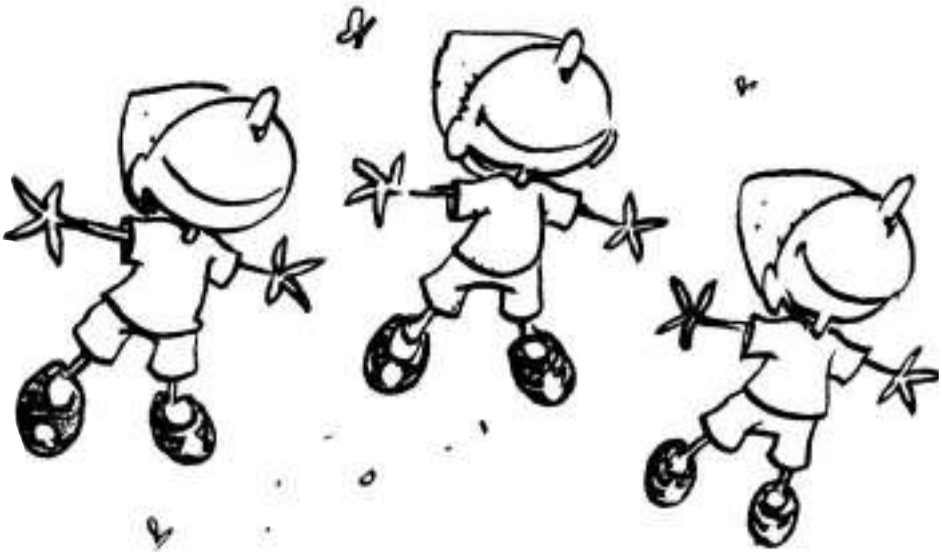


Listen to the child's economic aspirations and responsibilities and show the child that you take them seriously. Engage in an open and trusted dialogue to exchange views with the child and to try and find solutions. Explain any possible limitations imposed by the care arrangements in the reception system and relevant immigration and labour law.

TRAVEL

“My travel was long and tiring and I had to face a lot of challenges I did not expect. I found myself in very dangerous situations and I lost my ID documents.

Sometimes I was afraid to die and my faith and memories were the only relief. Fortunately, I was able to let my family know that I was ok. I did not tell them everything in order not to worry them. But I missed their presence and their support a lot.”



KEEPING CONTROL

From the decision to leave and throughout the child's migration, the child might experience many situations where she or he has little control over what is happening. The decision to leave, the destination and the specifics of the journey might have been determined by family members, the available resources and opportunities. During travel, the child might depend on others and some decisions might be under the control of accompanying persons or smugglers. When in contact with state authorities in countries of transit, at borders and in the place of arrival, the child might feel disempowered within the closely determined pathway of the referral and asylum reception system.

The feeling of losing control can have an alienating and unsettling effect. Professionals and officials who interact with the child in points of transit or destination need to be sensitive to the psycho-social impact of these circumstances on the child.

The child might find it reassuring to become aware of areas where she or he maintains control, especially in a context that is strongly determined by the authority of others, and where this authority is invading many aspects of the child's life.

It might be useful for the child to reflect upon the personal story and how it has evolved as this could help to 'construct' the own identity and personality. Accepting the past as part of the own story, including moments where the child's life appeared to get out of control, can help the child to gradually re-gain a sense of control in the present and with regard to changes that may happen in the future. Professionals and officials working with and for children on the move can help children in this process.



Support the child in acquiring tools and methods for keeping calm and in control of her or his life, even in difficult situations.



HAVING IDENTITY DOCUMENTS

Children have different levels of awareness of the importance of travel documents. Girls and boys who move unaccompanied might lose their identity and travel documents on the way, they might be stolen from them, or children might be advised to throw them away or to hide them. Some children leave without identity or travel documents. Some would not hesitate to hand documents over to unauthorised persons, such as smugglers, when being requested to do so.

Having documents is a source of protection for the child as they enable the child to demonstrate her or his identity. Identity documents usually facilitate the pathway of identification, referral and placement for the child. In some cases, identity documents can facilitate a more time-efficient procedure towards the identification of a durable solution for the child.

Identity documents might also have a symbolic meaning and value for the child. They connect the child's current situation in the place of arrival with her or his origins as documented in the papers issued by the country of origin. Receiving identity documents issued by the country of arrival, on the other side, could represent an important step towards integration in that society.

Talk to children about identity documents and what they mean to the child. Provide them with information about the importance of these documents, who is authorised to check or take them, and what it means for the child to be with or without documents.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 8: Right to identity

- 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.*
- 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*



SUPPORT FROM TRUSTED PERSONS

The possibility to contact a trusted person for advice and support can have a strong empowering and reassuring effect. The advice from a trusted person can support the child in making decisions, accessing information and verifying the reliability of different sources. Regular contact with a trusted person can give the child a sense of security as someone is informed of the child's whereabouts and could act in support of the child. In a trusted person, the child has a point of reference whom she or he can relate to and confide in. A trusted person can coach and mentor the child and help the child reflect upon her or his situation from an external, possibly more neutral perspective.

When professionals and officials work with a child to develop a care plan or life project, considerations for the identification of key support persons, coaching and mentoring could be integrated into the plan. They are important corner stones on the map that the child is creating in the place of arrival.

Explore with the child the possibility to remain in touch with a trusted person who can act as a point of reference, give advice and guidance, even from a distance.


ARRIVAL

“When I arrived in the new land, I felt disoriented and lost. Everything was so different and strange. But I made it! A lot of persons tried to interview me, I did not understand them quite easily at the beginning but then it became better with the help of a guy who helped me with the translation. I was scared to talk to people because often I did not feel welcome. I could not demonstrate my age, because I had lost my documents during the trip. Luckily I was recognized as a minor and got some food and a place to sleep. I met some guys from my country who had faced the same travel experience and we stayed united in order to support and encourage each other.”



PRESERVING DIGNITY

Every person has the right to preserve her or his dignity. This fundamental right applies to children and adults alike, irrespective of their status and national origin. Taking care of the own health and body and living in a clean and pleasant environment is a basic precondition for preserving the personal dignity. Children need an accommodation in a safe and healthy environment that is protective and where they feel respected as persons. Being treated with respect and dignity supports the child in her or his recovery and well-being. This constitutes a fundamental investment into the child's development and resiliency. Preserving the dignity of the child in daily life, official meetings and procedures is fundamental for gaining the trust of the child.



Treat the child with respect and be sensitive to preserving her or his dignity, though the quality of personal relations, targeted assistance and support and a pleasant, healthy and protective environment.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Preamble

... the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity, ...



GETTING ACCESS TO CHILD PROTECTION

Children from different national, social and cultural backgrounds are likely to have very different understandings of what it means to be a 'child' or a 'minor'. Around the world, the concept of childhood is interpreted in many different ways. These terms are not always associated with the human rights of the child and the correlated legal obligations of states and caregivers. Many children are aware of the UN Convention on the Rights of the Child and the special rights it affords to children. Others know less about their rights and entitlements.


Professionals and officials working with and for children on the move could engage the child in a discussion of the rights and entitlements that the child has under international and

ARRIVAL

national law, and what these mean in practice for the child's situation in the country of arrival. An entry point to this discussion could be the right of the child to be protected from all forms of violence, exploitation, abuse and neglect and how this relates to all the other human rights of the child under the Convention.

All measures that aim to safeguard the human rights of a child require consideration for the child's specific situation and story. Professionals working with and for children can discuss with each girl and boy what makes sense to her or him in their unique situation, how they perceive their situation, the services and entitlements offered to them and how to integrate measures to promote and safeguard their rights into a care plan and life project.

Girls and boys who are aware of their rights are likely to be more conscious about their needs, risks and opportunities. This can have an empowering and protective effect that remains active in the country of arrival, during onward journeys and in the case of return.



Engage the child in a conversation about human rights, the rights of the child and the Convention. Seek to relate these rights to the present situation of the girl or boy concerned and their aspirations for the future.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 19.1

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 20.1

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

THE GUARDIAN

In the context of child protection and welfare services, children who are deprived of parental care have a right to a guardian. This right applies also to unaccompanied migrant and asylum seeking children. In some countries, this support person is referred to as a '(legal) representative'. A guardian takes on the role of a parent, not so much as a primary caregiver, but as a person who represents and promotes the interests of the child in contact with the authorities and in day-to-day matters. A guardian looks after the child to ensure the child has access to all the services she or he needs and that the rights of the child are being respected. It is important that children are aware of their right to a guardian and that they are informed about the role and mandate of a guardian. They also need to have easy access to the guardian and be able to engage in a communication with the guardian that is meaningful, sensitive to the needs of the child and effective.

Guardians can make an important difference in supporting the child in the place of arrival, if equipped with the right mandate and competences. Sometimes, the quality of guardianship services is reduced, for instance the guardian may have only limited time for the child, may be located in a different town, there may be challenges of communication when interpretation is not available, and guardianship arrangements generally end when the child turns 18 years old. They often end also when the child is transferred to a different country or returned to the country of origin. Where guardianship services are characterised by such gaps, unaccompanied children would benefit from more stable relations with other support persons who provide advice and support when the guardian is unavailable. Professionals and officials working with and for children on the move need to be aware of the fundamental safeguards that guardianship offers and should ensure the continuity and quality of guardianship services.



Support the child in understanding the role of the guardian and use the support offered by the guardian or an equivalent support person in a sensible way to promote her or his best interests.

COMMITTEE ON THE RIGHTS OF THE CHILD GENERAL COMMENT NO. 6 (2006) ON THE TREATMENT OF UNACCOMPANIED AND SEPARATED CHILDREN OUTSIDE THEIR COUNTRY OF ORIGIN⁵

Appointment of a guardian or adviser and legal representative (CRC Articles 18(2) and 20(1))

States are required to create the underlying legal framework and take necessary measures to secure proper representation of an unaccompanied or separated child's best interests. Therefore, States should appoint a guardian or adviser as soon as the unaccompanied or separated child is identified and maintain such guardianship arrangements until the child has either reached the age of majority or has permanently left the territory and/or jurisdiction of the State in compliance with the Convention and other international obligations. The guard-

⁵ United Nations Committee on the Rights of the Child, General Comment No. 6(2006) on the treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005, par. 33.

ARRIVAL

ian should be consulted and informed regarding all actions taken in relation to the child. The guardian should have the authority to be present in all planning and decision-making processes, including immigration and appeal hearings, care arrangements and all efforts to search for a durable solution. The guardian or adviser should have the necessary expertise in the field of child care, so as to ensure that the interests of the child are safeguarded and that the child's legal, social, health, psychological, material and educational needs are appropriately covered by, inter alia, the guardian acting as a link between the child and existing specialist agencies/ individuals who provide the continuum of care required by the child. Agencies or individuals whose interests could potentially be in conflict with those of the child should not be eligible for guardianship. For example, non-related adults whose primary relationship to the child is that of an employer should be excluded from a guardianship role.



TELLING THE PERSONAL STORY

Children who migrate unaccompanied often have to tell their story repeatedly to different professionals and officials who are assessing their cases and providing services. In these contexts, the child usually has to focus the narration of her or his story on the bad episodes as these are considered relevant for the asylum procedure and protection measures. Speaking about difficult experiences again and again means that the child has to refresh and relive possibly hurtful memories. Having to share personal and intimate details with adults whom the child barely knows is likely to be upsetting and might provoke feelings of anxiety, humiliation or embarrassment as well as depression or re-traumatisation.

Children who have been exposed to violence, exploitation or abuse, as victims or witnesses, may be traumatised. Trauma can impact the child to the effect that their account of events does not necessarily follow a logic sequence and that individual elements of the child's account may at first appear to be contradictory.

Professionals and officials working with and for children on the move should be sensitive to these difficulties. When children are reluctant to tell their stories and to disclose bad or difficult moments of their lives, this does not necessarily mean that they are unwilling to cooperate or that they have something to hide. Some children need time to disclose information. How much time a child needs before she or he feels comfortable about telling the personal story depends very much on the child. It may differ from what professionals and officials consider adequate or from the amount of time allocated in formal procedures.

Professionals and officials working with and for children can support the child in the case assessment phase by telling them what is going to happen, what the meetings and interviews are all about and why the child is asked to speak to different persons. It is important for children to understand the roles of each professional or official they are meeting with. These different roles and mandates could be confusing for children who are not familiar with the reception and protection structures of the country of arrival. Understanding their roles and mandates can help the child creating her or his map of the new place, gaining trust and getting a sense of control in how to relate to the different professionals and officials.

It is important that the child understands that the details of her or his story will be relevant for many decisions taken in the place of arrival. These decisions will have an impact on the child's access to services and support, the type of residence permit the child receives as well as the possibility of return.

ARRIVAL

The child may have been encouraged by third persons to make up a story and to fake the own identity in order to have better chances of obtaining a residence status. Professionals and officials can talk to the children about the importance of being honest when telling their stories. A child may not be aware that telling a false story or making up some elements can undermine her or his credibility in the asylum procedure. This could have a negative impact on the child's asylum application that cannot be rectified later on. It is important for a child to understand that the authorities in the country of arrival have access to information about her or his identity and country of origin and that the child may be able to add specific details to this picture through her or his own account. In this context, it is essential that the child is informed, in a language that she or he understands, about international grounds of protection for obtaining refugee status and humanitarian protection, including child-specific grounds of protection.

Even after repeated interview sessions with the child, professionals and officials might still not know everything about the child and her or his story. Awareness of these limitations is important. It implies that professionals and officials working with a child need to be cautious and sensible in their actions, decisions and conclusions about the child.

Support the child in gaining an understanding of the reception and protection systems in the place of arrival, including the mandates and roles of different professionals and officials whom the child is going to meet with. Encourage the child to be open about telling her or his story, even if it is difficult to go through repeated meetings and interviews. Raise the child's awareness about the importance of being honest in order to maintain her or his credibility in the asylum procedure.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 22

1. *States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.*

2. *For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.*

CREATING A LIFE PROJECT

Upon arrival in a new place, children could find it very helpful to make a plan for their immediate and medium-term future, even if it is uncertain how the child's situation will evolve. Such a plan could be developed as a comprehensive 'life project'. Life projects will be more meaningful if they are developed in cooperation and consultation between the child and the care staff, ideally involving also other relevant professionals.

Life project planning should be as comprehensive as possible, addressing matters of education and professional training, employment, health care and treatment, social life and leisure time, contact with the family of origin and taking into account the personal aspirations of the child as well as expectations from the child's family or community of origin. They should be transparent about each step in the child's case assessment and care planning while not anticipating any decision about the durable solution for the child.

Developing a life project and monitoring its implementation can give an important framework for orientation and guidance to the child and service providers. It keeps the child focused on a direction that she or he has chosen in collaboration with competent professionals. Moving forward within the structured pathways of the life project and monitoring the achievements can motivate the child and service providers to continue working together in these directions. When difficulties or obstacles occur, the child can consult with someone on how to address them or how to adjust the plan accordingly if and as appropriate.

A personal project supports the child in using her or his time well, especially during the period of uncertainty when the child is awaiting a decision on her or his asylum application. It gives a structure and purpose to this period and facilitates meaningful investments into the child's development and transition into adulthood, in the country of arrival or origin.

Work closely with the child to develop a life project that provides a transparent structure, helps the child to use the time in a meaningful way and to balance different interests and aspirations. A life project helps to obtain clarity about achievements, obstacles and setbacks and how to deal with them, within the opportunities and limitations offered by the reception system in the country of arrival and in the case of transfer to another country or return.

COUNCIL OF EUROPE COMMITTEE OF MINISTERS RECOMMENDATION ON LIFE PROJECTS FOR UNACCOMPANIED CHILDREN⁶

In 2007, the Committee of Ministers of the Council of Europe adopted a recommendation on 'life projects' for unaccompanied children. The recommendation calls upon States to work with unaccompanied children towards the identification of durable solutions and in support of their development, their transition into adulthood and an independent life. A 'life project' aims to help unaccompanied children, service providers and the competent authorities to collaborate in order to confront the challenges that result from the child's migration. A life project is a tool for care planning and case management that provides for a clear framework to monitor its implementation:

"Life projects aim to develop the capacities of minors allowing them to acquire and strengthen the skills necessary to become independent, responsible and active in society. In order to achieve this, life projects, fully in accord with the best interests of the child, as defined in the Convention on the Rights of the Child, pursue objectives relating to the social integration of minors, personal development, cultural development, housing, health, education and vocational training, and employment. ... They define the minor's future prospects, promote the best interests of the child without discrimination and provide a long-term response to the needs of both the minor and the parties concerned."



EXPLAINING SCHOOL EXPERIENCE

All children have a right to quality education and many children are eager to go to school and to learn. Access to quality education is a human right of all girls and boys. In some cases, education is an incentive driving children's mobility.

Learning the language of the place of arrival and enrolment in academic or vocational training are inherently empowering. Access to quality education supports the child's development and helps the child to integrate socially in the new place. Attending school, focusing on learning and the structured working day at school can help children to handle sad memories and difficult experiences in their past.

Learning needs to make sense for the child in the context of her or his story and life project. Professionals and officials working with and for children on the move can make education meaningful for children when they support them in accessing the right type and level of schooling and in integrating into the ongoing school year where applicable. In order to achieve this, they need to assess the child's cognitive skills, school level and aspirations for academic or vocational training and match the available educational opportunities to the needs of each girl or boy.

Whenever a child completes a course, school year or training, handing out certificates to the child is important as it can enhance the child's possibility to enter continued education, training or the labour market at a later stage, in the country of arrival or origin.

⁶ Council of Europe, Committee of Ministers, Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors, Adopted by the Committee of Ministers on 12 July 2007 at the 1002nd meeting of the Ministers' Deputies, 2007, Appendix, see specifically par. 1-2 and 7-8.

Consult with the child to assess the appropriate level and type of school or training and to understand what support the child needs to succeed. Make sure that the child has access to quality education that is appropriate to her or his aspirations and ensure the child receives certificates of any school years or courses completed.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 28: Right to education

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

ENJOYING FREE TIME

Children who have arrived unaccompanied are usually subject to various official procedures. Many aspects of their lives in the new place are predetermined by immigration procedures and social welfare measures. In the midst of all these regulations, simple things such as leisure time activities, sports and recreation may get overlooked, especially when care staff are struggling with high caseloads, limited time and resources.

Engaging in quality leisure time and recreational activities can make children feel better in their everyday lives. They can help the child to cope with stressful situations and with the uncertainty and worries about their future. The positive physical and psycho-social impact of quality leisure time can make children feel more confident and might make it a little easier for them to confront the challenges they are facing in the new place.

Recreation and leisure time activities could be formal or informal, more or less organised, individual, collective or embedded into cultural activities and social interaction. They create possibilities for children to exit from the social isolation of reception centres. They can also present an opportunity for the child to 'recreate' her or his personal perspective on the current situation and the future. Spending quality leisure time is conducive for the child's development as it helps to find a good balance between studying and learning, social activities and recreational breaks.



Encourage and enable children to engage in leisure time activities, sports and recreation, individually and together with peers who share similar stories as well as children, youth and adults from the host community.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 31: Right to leisure time, sports and play

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

RESPECTING SPIRITUAL NEEDS

Spirituality, religion or rituals might be important in the lives of children on the move, especially for children who have practised these also in their home. The possibility to continue practising spiritual beliefs, religion and rituals in the place of arrival can have a reassuring effect and support the child in feeling more at home and gaining confidence in the new place.

There are many different ways of practising religion or spirituality. There are visible, physical and invisible aspects of spirituality and some dimensions of spirituality might not be codified in religion, such as the relation to ancestors or the symbolic value of objects that are precious to the child. The needs of the child will depend on her or his cultural background, story and choices. Finding the space and time for spiritual or religious practises might however not always be easy in the place of arrival. Professionals and officials working with and for children on the move can support the child in this regard and invite girls and boys to speak openly about their needs.

Some personal items might have a strong meaning for the child's sense of identity and belonging. These may be objects or invisible elements that create a perceived source of protection for the child. Children may have been carrying objects of symbolic meaning with them since their departure or may acquire new items that take on a symbolic value during travel or at arrival. Achievements in the new place can take on a symbolic meaning such as a new identity document, a mobile phone or a job. Even if professionals and officials working with and for children on the move do not fully understand them, recognising the presence and value of visible or invisible symbols sends strong signals of respect to the child.

Talk to children about their needs in relation to religion and spirituality and be open-minded about the potential symbolic value of achievements, items or objects. It is important to accommodate the child's religious and spiritual needs and to respect the child's choices, with due consideration to the best interests of the child.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 14: Freedom of religion

- 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.*
- 2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.*
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.*

CHERISHING GOOD MEMORIES

At the place of arrival, children often have to go through many interviews and tell about the experiences they have made in their country or origin and/or during the journey. For the child, these repeated interviews are often disturbing and, sometimes, overwhelming.

Despite the difficult experiences they have lived through, most children will also have positive, warm and fun memories of their home and their stories. The child might like and enjoy opportunities to recall these positive episodes, to speak about them and to share them.

Cherishing the good memories of the past can help reconnect with the home community and the dear ones left behind and to reconcile the child with the experiences she or he has lived through. Good memories might be a source of encouragement and strength and help the child in the place of arrival to stay connected with her or his origins.

Invite the child gently to recall good memories about her or his home and about the journey and to share them with trusted persons, as they are part of the child's identity and can give a meaning to the child's current situation.



KEEPING IN TOUCH WITH DEAR ONES

Maintaining family relations and contact is important for any child who has been deprived of parental care. It is also a human right of the child. Remaining in contact with dear ones in the child's community of origin is important for staying connected with that context. These contacts can help children feeling less isolated in the place of arrival. Staying in contact is important to brief the family and peers back home about the child's experiences during the journey and the situation and perspectives in the place of arrival.

When a child has to return to the country of origin, it might be a little easier for the child to accept return and to re-integrate in the home community when the contact has remained active throughout the child's journey.

Professionals and officials working with and for children on the move could ask the child how she or he feels about getting in contact with the family of origin. In some cases, children might need support in family tracing and establishing contact, others may have remained in contact since their departure. Some children might like the idea that care staff, social workers or immigration officials talk directly to their families of origin. These options needs to be assessed carefully to ensure they are in line with the best interests of the child and that any measures taken respect confidentiality rules in the context of asylum procedures.

ARRIVAL

Remaining in contact is important for the difficult mediation process between the family's demands and expectations of children on the move. Many children are expected to gain an income and support the family back home through remittances. An unregulated immigration status and the difficulties of accessing paid work, particularly in the absence of a valid working permit, may limit the opportunities of the child to live up to these expectations. Many children on the move need to communicate and negotiate with their families about such limitations and the implications for the child's migration project and the family situation at home. Professionals and officials working with and for children on the move need to be aware of such dilemmas and how they impact children in the place of arrival. They could create a risk that the child exits the mainstream reception system and seeks irregular sources of income. Officials and professionals can contribute to the child's protection by supporting children in this difficult mediation process.

Support the child to remain in contact and to uphold relations with her or his family and community of origin, in accordance with the best interests of the child and confidentiality rules in the asylum procedure. Seek to mediate between any possible expectations from home and the reality of the child's situation in the place of arrival with all relevant opportunities and limitations.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 9.3

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Article 10.2

A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. ...

EXPLAINING INDIVIDUAL RESPONSIBILITIES

Care planning and case management for the child in the place of arrival are often focused on the child's situation in the new location. Services tend to respond to immediate needs related to care and protection, health and education. The needs of the child can however be influenced significantly by the child's migration project and the underlying decisions taken in the place of origin.

Professionals and officials working with children on the move need to be aware that the child's behaviour and decisions in the place of arrival could be influenced by expectations, demands and pressures connected to the child's context of origin. Irrespective of whether or not the child can live up to these expectations, it is important to address and understand them in the place of arrival, including through conversations about the child's role and responsibilities, available opportunities and limitations in the place of arrival.

Professionals and officials working with children on the move might also engage the child in a discussion of what is right and wrong in the child's loyalty towards others. When many expectations and demands coincide, children may not find it easy to distinguish expectations from persons who care for them from expectations imposed upon them by abusive or exploitative relations.

Seeking an open dialogue about these matters can help professionals working with and for children on the move to better understand the individual child as a person and to offer targeted support. It can help children understand better their own positions and responsibilities within the possible tensions between expectations from the home and the real opportunities in the place of arrival.

Be sensitive to the role and responsibilities of the child in light of the child's migration project and the underlying decisions taken in the home community. Seek to understand the implications that these may have on the child's behaviour and decisions in the place of arrival. Engage in a dialogue with the child about these matters, be transparent and clarify any related opportunities, risks and limitations in the place of arrival.

ACCESSING WORK

Many children who arrive unaccompanied have aspirations to work and to make an income, either to sustain themselves, to pay for their schooling or studies, to pay back debts incurred for the journey or to support their families back home. The need to earn money needs to be taken seriously into account as the child is creating her or his map of the place of arrival and life project.

In some cases, the child's aspirations to work might conflict with the child's rights to education and rules of compulsory education. In other cases, children might be excluded from regular employment due to their age or status and relevant labour and immigration laws. In each case, professionals and officials working with the child need to involve the girl or boy in assessing the best interests of the child in relation to accessing work. It is important to be transparent about any limitations and what they mean for the situation of the child. An open consultation with the child might help to explore possibilities for the child to use her or his time in a constructive way, for instance through skills training, education or vocational training that can prepare the child for finding employment and gaining an income at a later stage, in the country of arrival or origin.

Inform the child about the rules and regulations concerning employment of children in the country of arrival and the relevance of age and immigration status. Talk to the child about the risks of informal labour and support the child in finding safe and legal income generating activities that do not interfere with the child's schooling, health and developmental needs. If that is not possible, consult openly with the child about the given limitations and try to find acceptable alternatives.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Article 32: Protection from economic exploitation

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

SETTLEMENT


“Being here in this new country is not easy. I took some time to orient myself, learn the new language and understand the rules. But my most urgent need was to find a job to send money back to my family because I know that my father has to pay back some money he borrowed to pay for my trip. But I was aware that in order to find a good job I had to study and learn to communicate better in the new language. And to lead a good life, I had to make new friends and avoid dangerous situations. Once I got into some trouble with the police although, at the end, everything settled down. In many occasions, I thought to go back to my country but I’m trying to earn enough money to allow my brother to reach me and maybe also my parents.”



TURNING 18

The 18th birthday is an important moment of joy and celebration for most children in Europe as it marks an important step into adulthood and towards independence. The perspectives of unaccompanied asylum seeking children are very different. Upon turning 18 years old, they lose much of the support that they have received as a child, as for instance the support of a guardian, access to child protection services, special accommodation and care. Unaccompanied asylum seeking children rarely have access to quality after-care and support for their transition into an independent life as adults. Where such support is not granted, the impact of all the services and care provided to the child up to the age of 18 years old could be significantly undermined. Being left abruptly with very little support constitutes a risk for the young persons and increases their vulnerability to exploitation, including in the context of trafficking.

Safeguarding children on the move involves therefore a lot more than responding to their immediate needs upon arrival. It requires a holistic and longer-term perspective in support of their development. Professionals and officials working with and for children on the move need to be aware that they can do a lot to support children in their transition into adulthood. Considerations for the support that a child needs for her or his transition into an independent life as an adult needs to start as early as possible and not only when the child is approaching the 18th birthday. Attention to these issues needs to be integrated into the care and life project planning of the child from the very beginning.



Be open with the child about the changes that will occur after the child turns 18 years old. Explore together with the child, relevant professionals and support persons, what kind of support the child needs in order to succeed in the transition into adulthood and an independent life.

CONSIDERING RETURN

An unaccompanied child who has migrated or seeks asylum in another country may have ambiguous feelings about return. In the place of arrival, many children miss their families, their peers and things they liked about their home. At the same time, there might be concerns about the security situation in the place of origin, the child's survival and opportunities for development, risks from emergencies or other difficulties that make it hard for the child to think about return.

Professionals and officials working with and for children on the move need to understand children's views about return. During the case assessment and the best interests' determination, it is important to be transparent about these procedures and to talk openly with the child about the option of return. Discussing the option of return with the child can reveal many important insights into how the child views possible risks and sources of protection and these can have implications for the child's safety in the country of arrival and origin.

Social workers may have a very different access and relation to the child than immigration officials. The collaboration between social workers and immigration officials offers valuable opportunities to achieve a more holistic perspective of the child's situation. Social workers can also play an important role supporting girls and boys in making their views heard during the asylum procedure. Their cooperation with immigration officials could be formalised with due consideration to the rights and best interests of the child and confidentiality rules.

The child's attitudes about return have a bearing on her or his well-being during the waiting period. The more comfortable a child is about returning to her or his place of origin, the less intimidating and upsetting would it be for the child to think about the possibility that the authorities in the state of arrival order the child to return. Whereas the freedom to return safely can have an empowering effect, the impossibility to return might cause a feeling of anxiety and depression. During the waiting period, it can be important for the child to feel that she or he has an option of return, in the short or longer term, including an option of temporary or periodic return.

When return is considered to be in the best interests of the child, thorough preparation, counselling and support are required prior, during and after return so that it becomes a positive, safe and sustainable experience. Where return is not an option due to safety reasons or other concerns, family reunification in the place of arrival is an alternative to be considered. It constitutes a right of children who are granted refugee status or humanitarian protection under international and European law.

Irrespective of any official decisions concerning the option of return, the child will most likely think about her or his place of origin. These thoughts may be positive or negative. Thoughts about return and the possibility to return are likely to remain with the child for many years as the memories will prevail well into adulthood.



Seek to solicit the child's views about return and understand the correlated risks and sources of protection. Ensure that the child's views are heard, understood and taken into account in

the best interests' determination process and the identification of a durable solution. If return is considered to be in the best interests of the child, explore with the child and all relevant actors in the country of destination and origin the type of preparatory and follow-up support that the child needs to make return a positive, safe and sustainable experience. Mobilise this support from formal and informal sources with a view to enabling continuity of care and support into adulthood and an independent life. Where return is not an option, assess whether family reunification is in the best interests of the child and support the child in this regard.

“This is my story and some of the learning that I gained from it. At the moment, I’m working during the night in a bakery store and continue to study during the day, in the afternoon when I wake up. I have many good friends, I am in contact with home, I can send them some money from time to time. Sometimes, I give a hand to children and adults arriving here from different countries around the world. I hope that you enjoyed my story, telling it has been very important for me. Perhaps my thoughts and reflections will be useful for you, to understand and guide your own story and to draw a map for your safety and success in order to grow at best the unique tree of your life.”



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PARTNERS



DEFENCE FOR CHILDREN
International-Italia



ASSOCIATES



The University of
Nottingham

