



BARNAVERNDARSTOFA

Multy- disciplinary and inter-agency cooperation in cases of unacompanied children and possible victims of trafficking

- Child-friendly model of intervention

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Facts that must not be forgotten

- ✓ Children moving across borders, unaccompanied children and asylum-seeking children are (probably) **already traumatized**
- ✓ Significant number of children on the move are **trafficked, sexually exploited and/or victims of abuse**
- ✓ A prerequisite for discovering and identifying child trafficking, exploitation and abuse is to **listen to the child**
- ✓ **Danger of re-traumatization** derives from multi-sectorial response if interventions are not co-ordinated in a child-friendly or sensitive manner



CRC General principle of Non-discrimination

- Unaccompanied children and children who are possible victim of trafficking should
 - Enjoy the same protective and participatory rights as all other children; Art 22
 - Access to the child protection services
 - The child should be listened to
 - Be ensured suitable alternative care as appropriate (prevalence given to foster placement/family setting) Art 20; **recruiting foster families**
 - Needs assessment
 - **Trust and disclosure**



UN CRC on child (re)victimization

✓ Article 3.1

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”

✓ Article 12

“The Child shall ...be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child...”

✓ Article 39

“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of.. any form of neglect, exploitation, or abuse...”



Avoiding re-traumatization: international law

- ✓ The CRC, the principle of the “best interest of the child”
- ✓ The UN Guidelines on Justice
in Matters involving Child Victims and Witnesses of Crime (2005)
- ✓ The CoE Convention against Trafficking (2005)
- ✓ The CoE Lanzarote Convention (2010)
- ✓ EU Directive on Trafficking (2011)
- ✓ EU Directive on victims (2012)



Putting theories into practice

New Foreigners Act in Iceland (no. 80/2016)

- Principles of **child-friendly approach**
- The Government Agency for Child Protection (The Gov. Agency) has a the obligation to be *the guardian of the child's rights*
 - Make sure the child's best interest are respected and the child gets the assistance it needs while the case with The Directorate of Immigration is processed
 - A *Gode-man* ideology/approach



What does the Guardianship entail?

- The Gov. Agency is responsible to **safeguard the minor's interest**
 - Unaccompanied asylum-seekers or possible victims of trafficking
 - Make sure the **child's best interest** are in the **forefront** of each case
- Make sure there is a **foster home** or another type of residential home available
- Make sure that the **CPS fulfil their obligations**:
 - Such as **residence, health** care and the possibility of **education**
 - Regularly get information on the **status of the minor's application** for a residency permit or asylum and be contact with the spokesperson
 - Be **present for interviews** and statements the minor gives to the authorities/other examinations
 - Assist the minor to get the services of The Red Cross in the interest of finding next of kin
 - CPS must take into account the child's nationality, gender, language and a religious and cultural background of the minor



The end of guardianship

- The Agency's guardianship of the child's rights formally ends when:
 - The **minor becomes an adult** or then The Directorate makes the decision that the individual is an adult
 - The child is **granted a residence permit/asylum**
 - The child **moves** out of the country or is **exported**
 - The **legal guardians** are able to fulfil their custodial duties properly



The process (1)

- The Directorate of Immigration
 - Has the obligation to send a report to the Gov. Agency and the local child protection services (CPS) where the minor comes forward
 - Conducts an **interview** as soon as possible
 - Obligation that the person is an **expert in the matters of children**
 - The Directorate and the Agency have made an agreement that all unaccompanied minors are interviewed in **Barnahús** by a specialist
 - Is responsible for everything concerning the application for asylum



Why Barnahus?

- To avoid repetitive interviews and the harmful effects:
 - Re-traumatisation
 - Distorted accounts
- A prerequisite for discovering child's trafficking is to elicit the child's narrative
 - To win the child's trust
 - Enhance reliability by application of evidence based protocols and trained interviewers



Mission of Barnahus

Child-friendly intervention

The objective is to identify child-friendly strategies and practices to ensure

- ✓ The „best interests of the child“

without compromising the human right principle

- ✓ The “due process” (fair trial)

- ✓ “Equality of arms”, “evidential immediacy”



Multiagency collaboration

- ✓ The Gov. Agency for Child Protection
- ✓ The State Police
- ✓ The State Prosecution
- ✓ The Police Dep. in Reykjavik
- ✓ The University Hospital – Dep. of Paediatric and Dep. of child Psychiatry
- ✓ Association of the Directors of Local Social Services
- ✓ The Child Protection Services in Reykjavik





CAC/Barnahus

Medical Exams and Evaluation	Joint Invest. Interviews: court statements/ CPS interviews	Victim Therapy
Family Counselling/ Support	Consultation and advice to local CPS	Education, training and research



The process (2)

- CPS take over the child's care as soon as The Directorate has determined the child's age and the interview has been conducted
 - Aim is to have available foster-homes for all children that are fit to stay with families
 - Are responsible for all matters concerning the child's safety and well-being



Best interest of the child

- Must be in focus when a minor's application for asylum is reviewed
 - **Obligation** to regard the child's possibility for family integration, it's welfare and safety and social development
 - **Child's views** must be taken into consideration
- Obligation to **consult with child protection authorities** in all cases involving children
 - When a child is unaccompanied The Directorate must obtain a **formal opinion** from The Agency before making a decision



Continuing duties of CPS

- After asylum/residential permit is granted
 - The Agency decides which **CPS takes custody** of the child
 - The case with the CPS is then open until the minor becomes an adult



Who does what?

- Summary

- Directorate of Immigration
 - Process an application for asylum/residence permit
 - Inform The Agency and CPS about the child's arrival
 - Collect and review all information relevant to that application
 - Make decisions regarding that case
- Child protection Services
 - Provide the child with a safe place to stay
 - Make sure that the child gets necessary services, such as regarding school and health care
 - Get regular information regarding the application with The Directorate
- The Government Agency for Child Protection
 - Make sure that there are available foster homes or other residential care homes
 - Follow up on the case regularly to make sure that the CPC is fulfilling their obligation
 - Give The Directorate opinions before the it denies an unaccompanied child asylum



The importance of inter-agency cooperation

- Important that the procedures are as **child-friendly** as possible
 - Decreases the odds of trauma or re-traumatization
 - Increases the odds of the child disclosing possible trafficking or trauma
- Makes sure that the **best interests of children** are in the forefront of each case
- Makes sure that an **experts** in the matters of children handle their case and are in contact with the child
- In best accordance to the CRC and other HR conventions, guidelines and directives